

Revised Code

EXHIBIT 'A' CHAPTER 1 ADMINISTRATION

ARTICLE I - GENERAL CODE PROVISIONS

DIVISION I - TITLE

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

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

1-1-3 AMENDMENTS. Any ordinance amending this Village Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance shall be annually forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code on an annual basis. (See 65 ILCS Sec. 5/1-**2-3**)

1-1-4 CODE ALTERATION. It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so

authorized by the Village.

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Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

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

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

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

DIVISION II - SAVING CLAUSE.

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

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

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

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

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

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

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

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1-1-12 VILLAGE CLERK'S CERTIFICATE. The Village Clerk's Certificate shall be substantially in the following form:

VILLAGE CLERK'S CERTIFICATE

**STATE OF ILLINOIS
COUNTY OF MASON
VILLAGE OF MANITO**

)
) ss.
)

**VILLAGE CLERK'S
OFFICE**

I, Lee Lacey, Village Clerk of the **Village of Manito, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the Village of Manito, Illinois of 1999**, published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the **Village of Manito, Illinois**, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **Village of Manito, Illinois**, this _____ day of _____, 1999.

**LEE LACEY
VILLAGE
CLERK
VILLAGE OF MANITO**

(SEAL)

RESERVED.

Illinois Codification Services

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DIVISION III - DEFINITIONS

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

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

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

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

"BOARD OF TRUSTEES", unless otherwise indicated, shall mean the Mayor and the Board of Trustees of the Village of Manito.

"CODE" OR "THIS CODE", shall mean the **"Revised Code of Ordinances of the Village of Manito"**.

"CORPORATE AUTHORITIES" shall mean the Village Board of Trustees. (See 65 ILCS Sec. 5/1-1-2)

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

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

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

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

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

"LEGAL HOLIDAY" shall mean the holidays as authorized and recognized by the Village Board in the employee agreement.

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

"MAYOR" as used in this Code shall mean the Village President or President of the Village Board of Trustees. (See 65 ILCS Sec. 5/1-1-2.1)

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

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

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

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

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

"OFFICERS AND EMPLOYEES". Whenever reference is made in this Code to a Village Officer or employee by title only, this shall be construed as though followed by the words **"of the Village"** 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 Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the 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.

"OFFICIAL TIME". Central Standard Time shall be the official time for the transaction of Village business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced one (1) hour. All clocks and other

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timepieces in or upon public buildings or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed by this paragraph.

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

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

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

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

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

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

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

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

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

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

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

(In Part 65 ILCS Sec. 5/1-1-2)

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

1-1-18 - 1-1-19

RESERVED.

DIVISION IV - GENERAL PENALTY**1-1-20 PENALTY.**

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Fifty Dollars (\$150.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **One Hundred Fifty Dollars (\$150.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois**.

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

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

(E) All municipal ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated. (See 65 ILCS Sec. 5/1-2-7 and 5/1-2-8)

(F) **Community Service.** A penalty imposed for the violation of any section of *this* Code may include, or consist of, a requirement that the defendant perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities.

1-1-21 MINOR VIOLATIONS PENALTY.

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

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

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

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1-1-23 APPLICATION.

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

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

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

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

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

ARTICLE II - VILLAGE OFFICIALS**DIVISION I - VILLAGE BOARD OF****TRUSTEES****1-2-1 COMPOSITION AND GENERAL POWERS.**

The Village Board

shall consist of **six (6) Trustees**, elected in conformity with this Code and State laws governing elections in villages and shall have such powers as are granted by **Chapter 65, Illinois Compiled Statutes**, as amended. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(See 65 ILCS Sec. 5/3.1-25-5 and 5/3.1-10-50(0))**

1-2-2 REGULAR MEETINGS. The regular stated meetings of the Village Board shall be held in the Village Hall Building on the **first (1st) Monday** of each month at **7:00 P.M.** When the meeting date falls upon a legal holiday, the meeting shall be held on the next Monday at the same time and place. Adjourned and reconvened meetings may be held at such times as may be determined by the Trustees. **(See 65 ILCS Sec. 5/3.1-40-25 and 5 ILCS Sec. 120/1 et seq.)**

1-2-3 SPECIAL MEETINGS. Special meetings of the Village Board may be called by the Mayor or any three (3) Trustees by giving at least forty-eight (48) hours notice thereof by delivering to them personally written or printed notices of the time of such meeting at the residences of the Trustees. Such notices shall be served by mail, by the Chief of Police or his designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the Village Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Said notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the Village Board, provided such news media has given the Village an address within the Village at which such notice may be given. (See 65 ILCS Sec. 5/3.1-40-25 and 5 ILCS Sec. 120/2.02 and 120/2.03)

1-2-4 VACANCY. When a vacancy occurs, if more than **twenty-eight (28) months** remain in the term and the vacancy occurs not less than one **hundred thirty (130) days** before the general municipal election, next scheduled under the general election law, the office shall be filled for the remainder of the term at that general municipal election. During the period from the time that the vacancy occurs until the next election of Trustees, the Mayor shall appoint a qualified person to the office subject to the advice and consent of the Village Board. **(See 65 ILCS Sec. 5/3.1-10-50(B))**

1-2-5 COMMITTEES. The following standing committees of the Village Board are hereby established, to-wit:

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|-----|---------------|-----------------------------|
| (A) | (1) Finance | (4) Water and Sewer |
| | (2) Judiciary | (5) Zoning/Lights |
| | (3) Streets | (6) Health, Parks, Cemetery |

(B) The committees shall be appointed annually by the Mayor. In addition the Mayor shall appoint the Chairman of each committee.

(C) The Mayor shall be ex-officio Chairman of each and every standing committee.

(D) So far as is practicable, reports of committees shall be in writing.

(E) As provided by law, any report of a committee of the Board shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any two (2) Trustees present. (See 65 ILCS Sec. 5/3.1-40-35)

(F) Each standing committee of the Village Board shall exercise a general supervision over the affairs of the department of municipal government with which it is connected; shall ascertain the condition and needs of said department; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the Department.

(G) All committee meetings are subject to the Open Meeting Act requirements and minutes shall be taken. (See **5 ILCS Sec. 120/1 and 120/2.06**)

1-2-6 SPECIAL COMMITTEES. Special Committees may be appointed by the Mayor, subject to the advice and consent of the Board of Trustees, as may be needed from time to time.

1-2-7 QUORUM. At all meetings of the Village Board, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Board, the Trustees may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings. (See 65 ILCS Sec. 5/3.1- **40-20**)

EDITOR'S NOTE: When the Board has a Mayor and six (6) Trustees, a quorum is four (4), which may consist of the Mayor and three (3) Trustees, or four (4) Trustees.

1-2-8 MEMBERS: NON-ATTENDANCE AT MEETING. Any member of the Village Board who shall neglect or refuse to attend at least two (2) regular and/or special Village Board meetings per month without good and sufficient reason to be passed upon by the Board shall not receive compensation for that meeting. All members shall be allowed two (2) absences in each fiscal year for which compensation shall be paid. (See Section 1-3-1 for salaries.) (See 65 ILCS Sec. 5/3.1-40-20)

1-2-9 - 1-2-10 RESERVED.

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Administration 1-2-11

DIVISION II - RULES OF THE VILLAGE BOARD

1-2-11 RULES OF THE BOARD. The following rules of order and procedure shall govern the deliberations and meetings of the Village Board.

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

- (1) Call to order by presiding officer.
- (2) Roll Call.
- (3) The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction and approval of the same, unless dispensed with by the Board of Trustees and correction of the journal of the proceedings of previous meetings.
- (4) Treasurer's report and claims.
- (5) Reports and communications from the Mayor and other Village Officers.
- (6) Visitors.
- (7) Reports of Standing Committees.
- (8) Reports of Special Committees.
- (9) Presentation of communications, petitions, resolutions, orders, and ordinances by the Board of Trustees.
- (10) Unfinished business.
- (11) Miscellaneous business.

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

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

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

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

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

(E) **Presentation of New Business.** When a Trustee wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the Clerk who shall read such matter when reached in its proper order.

(F) **Debate.** No Trustee shall speak more than once on the same question, except by consent of the presiding officer or unless **three-fourths (3/4)** of the corporate authorities agree that one's right to debate should be limited to speak only once and then not until every other Trustee desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration, as the case may be, shall have the right to open and close debate.

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[No Trustee shall speak longer than ten (10) minutes at any one (1) time, except by consent of the Village Board; and in closing debate on any question as above provided, the speaker shall be limited to five (5) minutes, except by special consent of the Board.]

The Village Board, by motion, may limit debate. The presiding officer shall have the right to participate in debate.

While a member is speaking, no Trustee shall hold any private discussion, nor pass between the speaker and the Chair.

(G) **Call of Trustees to Order.** A Trustee, when called to order by the Chair, shall thereupon discontinue speaking and take his seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

(H) **Appeals from Decision of the Chair.** Any Trustee may appeal to the Board from a ruling of the Chair, and if the appeal is seconded, the Trustee making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The presiding officer shall have the right to participate in debate.

The Chair shall then put the question, "**Shall the decision of the Chair be sustained?**". If a majority of the Trustees present vote "**No**", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

(I) **Question of Personal Privilege.** The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned or impugned.

(J) **Voting.** Every other member who shall be present when a question is stated from the Chair shall vote thereon, unless he is personally interested in the question, in which case, he shall take whatever steps are necessary to insure that his vote is not taken.

(K) **Special Order of Business.** Any matter before the Village Board may be set down as a special order of business at a time certain if **two-thirds (2/3)** of the Trustees present vote in the affirmative, but not otherwise.

(L) **Seconding of Motions Required; Written Motions.** No motion shall be put or debated in the meeting or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Board, except motions of procedure, shall be reduced to writing if required by a member, and the proposer of the motion shall be entitled to the floor.

(M) **Division of Questions.** If any question under consideration contains several distinct propositions, the Trustees, by a majority vote of the Trustees present may divide such question.

(N) **Record of Motions.** In all cases where a resolution or motion is entered in the journal, the name of the Trustee moving the same shall be entered also.

(O) **Announcement and Changes of Vote.** The result of all votes by yeas and nays shall not be announced by the Clerk, but shall be handed by him to the Chairman for announcement, and no vote shall be changed after the tally list has passed from the hands of the Clerk.

(P) **Precedence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

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- (1) To adjourn to a day certain.
 - (2) To adjourn.
 - (3) To talce a recess.
 - (4) To lay on the table.
 - (5) The pr_evious question.
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(8) To defer or postpone to a time certain.

(9) To defer or postpone (without reference to time.)

(10) To defer or postpone indefinitely.

Numbers (2), (4), and (5) to be decided without debate.

(Q) Motions to Adjourn. A motion to adjourn the Village shall always be in order, except:

- (1) When a Trustee is in possession of the floor.
- (2) While the yeas and nays are being called.
- (3) When the members are voting.
- (4) When adjournment was the last preceding motion.
- (5) When it has been decided that the previous question shall be talcen.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The Village Board may, at any time, adjourn over **one (1)** or more regular meetings on a vote of a majority of all the Trustees authorized by law to be elected.

(R) Previous Question. When the previous question is moved on the main question and seconded, it shall be put on this form: "Shall the main question now be put?". If such motion be carried, all further amendments and all further motions and debate shall be excluded, and the question put without delay upon the pending amendment in proper order and then upon the main question.

(S) Motions to Lay on the Table and to Take From the Table. A motion simply to

lay the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

A motion to talce any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided **two thirds (2/3)** of the Trustees vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

(T) **Indefinite Postponement; Motion to Defer or Postpone Without Any Reference to Time.** When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

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A motion to defer or postpone without any reference to time shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

(U) **Motion to Refer.** A motion to refer to a standing committee shall take precedence over a similar motion to refer to a special committee.

(V) **Motion to Amend.** A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to "**Strike Out and Insert**", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending questions may be referred to a committee and neither the main question nor such other pending question shall be affected thereby.

(W) **Filline of Blanks.** When a blank is to be filled and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

(X) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time, further amendment is admissible; and if accepted by the Trustees by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

Reconsideration. A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration having been once made and decided in the negative shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by Trustees who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

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

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

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

1-2-12 AGENDA. An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Village Board no later than the close of business on the day preceding the regular Village Board meeting. In the case of matters of emergency which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda shall be furnished to each member of the Village Board prior to the opening of the Board meeting. (See 5 ILCS Sec. 120/2.02)

1-2-13 RESERVED.

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**DMSION iii -
ORDINANCES**

1-2-14 ORDINANCES.

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

(B) **Introduced.** When a proposed ordinance is introduced, it shall be read one time by title only and referred to the proper committee unless the Board of Trustees shall otherwise specifically direct.

(C) **Vote required-Yeas and Nays Record.** The passage of all ordinances for whatever purpose, and of any resolution or motion (1) to create any liability against a Village or (2) for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the Village Board, including the Mayor, unless otherwise expressly provided by the Code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the Board consists of an odd number of Trustees, the vote of the majority of the trustees shall be sufficient to pass an ordinance. The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the Village Board. In addition, the corporate authorities at any meeting may by unanimous consent to take a single vote by yeas or nays on the several questions of the passage on any two (2) or more of the designated ordinances, orders, resolutions or motions placed together for voting purposes in a single group. The single vote shall be entered separately in the journal under the designation "omnibus vote", and in such event the Clerk may enter the words "omnibus vote" or "consent agenda" in the journal in each case in lieu of entering names of the members of Village Board voting "yea" and of those voting "nay" on the passage of each of the designated ordinances, orders, resolutions and motions included in such omnibus group or consent agenda. The taking of such single or omnibus vote and such entries of the words "omnibus vote" or "consent agenda" in the journal shall be a sufficient compliance with the requirements of this section to all intents and purposes and with like effect as if the vote in each case had been separately by yeas and nays on the question of the passage of each ordinance, order, resolution and motion included in such omnibus group, and separately recorded in the journal. Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any trustee and shall be recorded in the journal. (See 65 ILCS Sec. 5/3.1-40-40)

(D) **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against a Village, or (2) that provide for the expenditure or appropriation of its money, or (3) to sell any Village property, and all ordinances, passed by the Village Board shall be deposited with the Village Clerk. If the Mayor approved of them, he shall sign them. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the Village Board, with his written objections, at the next regular meeting of the Village Board occurring not less than five (5) **days** after their passage. The Mayor may

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disapprove of any **one (1)** or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of the Mayor's signature. (See 65 ILCS Sec. 5/3.1-40-45)

1-2-15 RECONSIDERATION--PASSING OVER VETO. Every resolution and motion, specified in **Section 1-2-14** and every ordinance, that is returned to the Village Board by the Mayor shall be reconsidered by the Village Board at the next regular meeting. If, after reconsideration, **two-thirds (2/3)** of all the Trustees then holding office on the Village Board shall agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. (See 65 ILCS Sec. 5/3.1-40-50)

1-2-16 NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING. No vote of the Village Board shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting at least as many Village Trustees as were present when the vote was taken. (See 65 ILCS Sec. 5/3.1-40-55)

1-2-17 RESERVED.

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**DIVISION IV - GENERAL
PROVISIONS**

1-2-18 CORPORATE SEAL.

(A) The Corporate Seal of the Village shall be the same as that heretofore provided and used by the Village. It shall be circular in form with the words, "**Village of Manito, Mason County, Illinois**" in the exterior_ circle, and the word "**Seal**" in the center of the interior circle, surrounded by the words "Re-incorporated April 20, 1876".. (See 65 ILCS Sec. 5/2-2-12)

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

1-2-19 ELECTIONS.

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

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

1-2-20 APPOINTMENT OF ELECTED OFFICIALS. No Trustee of this Village, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor except if such Trustee is granted a leave of absence from such office. However, such Trustee may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this section is void. (See 65 ILCS Sec. 5/3.1-15-15)

NOTE: One (1) member may serve on the Library Board. (See 75 ILCS Sec. 5/4-1 and SO ILCS Sec. 105/2)

1-2-21 MUNICIPAL OFFICERS - REGULATIONS.

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

(B) Qualifications; Appointive Office.

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

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

(C) **Bond.** Every officer and employee shall, if required by the Village Board upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Board, conditioned upon the faithful performance of the duties of his office or position. (See 65 ILCS Sec. 5/3.1-10-30)

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

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

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

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

(H) **Conservators of Peace.**

- (1) **After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Trustees and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:**
 - (a) **to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,**
 - (b) **to commit arrested persons for examination,**
 - (c) **if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and**

(d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.

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

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

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

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

(See 65 ILCS Sec. 5/3.1-15-20)

(See "Administration of Oaths", Section 1-2-63)

1-2-22 **RESIGNATION OF APPOINTED OFFICIALS.** Any officer of the Village may resign from office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a Village officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. (See 65 ILCS Sec. 5/3.1-10-50)

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

(1) year next preceding the election.

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

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

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1-2-24

**BONDS OF
VILLAGE
OFFICERS.**

(A) **Amount.** Bonds of Village officers required under **Illinois Compiled Statutes, Chapter 65, Section 5/3.1-10-30** shall be executed in the following penal sums:

(1)	Mayor	\$ 3,000.00
(2)	Village Treasurer	100,000.00
(3)	Village Clerk	5,000.00
(4)	Police Chief	2,000.00

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

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

1-2-25

LIABILITY INSURANCE.

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

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

Notwithstanding any other provision of this Code, the Village shall not indemnify or cause to defend any municipal officers, elected officials or employees if the municipal

officers, elected officials or employees have liability insurance insuring the municipal officers, elected

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officials or employees from the alleged claim; however, the Village shall indemnify the municipal officer, elected official or employee the personal deductible limits of his personal policy. (See 745 ILCS Sec. 10/2-201 et seq.)

1-2-26 BIDDING AND CONTRACT PROCEDURES.

(A) **Competitive Bidding Required.** Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Ten Thousand Dollars (\$10,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Trustees then holding office.

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

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

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

(F) Bid Opening Procedure.

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

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

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

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(I) **Award of Contract.**

(1)

Authority in Village. The Board of Trustees shall have the authority to award contracts within the purview of this section.

(2)

Lowest Responsible Bidder. Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the Village to accept. In awarding the contract, in addition to price, the Board of Trustees shall consider:

- (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (d) The quality of the performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (i) The number and scope of conditions attached to the bid.

Performance Bonds. The Board of Trustees shall have the authority to require a performance bond, before entering into a contract, in such amounts

as it shall find reasonably necessary to protect the best interests of the Village.

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

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

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the Board of Trustees shall be empowered to secure by open market procedure as herein set forth, at the lowest

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obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

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

1-2-27 PECUNIARY INTEREST IN CONTRACTS--PROHIBITION.

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

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

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

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

in the same fiscal year to exceed **Twenty-Five Thousand Dollars (\$25,000.00)**.

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

- (1) the award of the contract is approved by a majority vote of the governing body of the municipality provided that, in the case of an elected or appointed member of the governing body, any such interested member shall abstain from voting; and
- (2) the amount of the contract does not exceed **Two Thousand Dollars (\$2,000.00)**; and
- (3) the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Four Thousand Dollars (\$4,000.00)**; and
- (4) in the case of an elected or appointed member of the governing body, such interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and
- (5) in the case of an elected or appointed member of the governing body, the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum).

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

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

(F) Nothing contained in this Section, including the restrictions set forth in subsections (B), (C) and (D), shall preclude a contract or deposit of monies, loans or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the municipality are interested in such bank or savings and loan association as an officer or employee or as a holder of less than ~~**seven and one-half percent (7 1/2%)**~~ of the total ownership interest. A member or members holding

such an interest in such a contract shall not be deemed to be holding a prohibited interest for purposes of this Act. Such interested member or members of the

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governing body must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. Such interested member or members shall not vote on such a proposed award. Any member or members abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the municipality. (See 65 ILCS Sec. 5/3.1-55-10)

1-2-28 SALARIES REGULATION.

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

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

(See 65 ILCS Sec. 5/3.1-50-5 and 5/3.1-50-6)

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

1-2-29 CLAIMS.

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

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

1-2-30 MUNICIPAL YEAR. The municipal year shall commence on **May 1st** and shall end on the following **April 30th**. No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

1-2-31 EXPENSES - REIMBURSEMENT. Each member of the corporate authorities may receive reimbursement from the municipality for expenses incurred by the member in attending committee meetings of the corporate authorities or for other expenses incurred by the member in the course of performing official duties. (See 65 ILCS Sec. 5/3.1- 50-15(B))

1-2-32 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the Village Hall.

1-2-33 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.

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

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

1-2-34 ILLINOIS MUNICIPAL RETIREMENT FUND.

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

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

(C) **Coverage.** To be eligible to be included in the IMRF a person shall have to work a minimum of one thousand (1,000) hours per year.

(Ord. No. 378; 09-16-74)

1-2-35 - 1-2-39 RESERVED.

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DMSION V - MAYOR

1-2-40 ELECTION. The Mayor shall be elected for a **four (4) year** term and shall serve until a successor is elected and has qualified. (See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-25-15)

1-2-41 MAYOR PRO-TEM; TEMPORARY CHAIRMAN.

(A) If the Mayor is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as Mayor pro _tern. The Mayor pro tern, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor but shall not be entitled to vote both as Mayor pro tern and as a trustee.

(B) In the absence of the Mayor, or Mayor pro tem, the corporate authorities may elect one of their members to act as a temporary Chairman. The temporary Chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as trustee on any ordinance, resolution, or motion. (See 65 ILCS Sec. 5/3.1-35-35)

1-2-42 VACANCY. If a vacancy occurs in the office of the Mayor and there remains an unexpired portion of the term of at least **twenty-eight (28) months** and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The Village Board shall elect one of its members as "Acting Mayor" who shall perform the duties and shall possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified. (See 65 ILCS Sec. 5/3.1-10-50)

1-2-43 CHIEF EXECUTIVE OFFICER. The Mayor shall be the chief executive officer of the Village and shall see to the enforcement of all laws and ordinances. The Mayor shall preside over the meetings of the Board of Trustees and perform such duties as may be required of him by statute or law. The Mayor shall have supervision over all of the executive officers and Village employees; provided, however, his or her control is subject to the power of the Village Board to prescribe the duties of various officers and employees. The Mayor shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to Village affairs and kept by any officer of the Village. (See 65 ILCS Sec. 5/3.1-15-10 and 3.1-35-20)

1-2-44 RESERVED.

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1-2-45 MAYOR'S SIGNATURE. The Mayor shall sign all Village warrants, commissions, permits and licenses granted by authority of the Village Board, except as otherwise provided, and such other acts and deeds as law or ordinance may require his or her official signature.

The Mayor may designate another to affix his or her signature to any written instrument that requires the Mayor's signature. The Mayor must send written notice of this designation to the Village Board stating: (1) the name of the person whom he or she has selected, and (2) what instrument the person will have authority to sign.

A written signature of the Mayor executed by the person so designated with the signature underneath the signature of the person so designated shall be attached to the notice. The notice with the signature attached shall be recorded in the journal of the Village Board and then filed with the Village Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument, in all respects, shall be as binding on the Village as if signed by the Mayor in person. (See 65 ILCS Sec. 5/3.1-35-30)

1-2-46 APPOINTMENT OF OFFICERS.

(A) **Appointed.** At the first annual meeting in May, the Mayor 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 said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality. (See 65 ILCS Secs. 5/3.1-30-5)

(B) **Fillin2 Vacancies.** The Mayor shall appoint, by and with the advice and consent of the Village Board, all officers of the Village whose appointment will not otherwise be provided for by law; and whenever a vacancy shall occur in any office, which by law or ordinance the Mayor is empowered and required to fill, the Mayor shall, at the next regular meeting of the Village Board, communicate to it the name of the appointee to such office and pending the concurrence of the Village Board in such appointment, the Mayor may designate some suitable person to discharge the functions of such office. (See SO ILCS Sec. 105/2)

1-2-47 SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS. The Mayor shall supervise the conduct of all officers of the Village and see that they faithfully and efficiently discharge the duties of their respective offices. Except where otherwise provided by statute, the Mayor may remove any officer appointed by the Mayor under this Code, on any written charge, whenever the Mayor is of the opinion that the interests of the municipality demand removal. The Mayor shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than **five (5) days** nor more than **ten (10) days** after the removal. If the Mayor fails or refuses to report to the

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corporate authorities the reasons for the removal, or if the corporate authorities by a **two thirds (2/3) vote** of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (See 65 ILCS Sec. 5/3.1-35-10)

1-2-48 DESIGNATION OF OFFICERS' DUTIES. Whenever there is a dispute as to the respective duties or powers of any appointed officer of the Village, this dispute shall be settled by the Mayor, after consultation with the Village Attorney; and the Mayor shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty.

1-2-49 FORMAL OCCASIONS. The Mayor shall act for and on behalf of the Village on formal occasions and receptions, but in the absence or inability to attend any such function, the Mayor may select any other Village officer to so act.

1-2-50 GENERAL DUTIES. The Mayor shall perform all the duties which are prescribed by law and shall take care that the laws and ordinances are faithfully executed.

The Mayor from time to time, may and annually shall give the Village Board information relative to the affairs of the Village, and may recommend for their consideration such measures as he or she believes expedient. (See 65 ILCS Sec. 5/3.1-35-5)

1-2-51 BUSINESS LICENSE COMMISSIONER. The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law, with the advice and consent of the Village Board.

1-2-52 LOCAL LIQUOR COMMISSIONER. The Mayor is hereby designated as Local Liquor Commissioner with all the powers to license and/or revoke any Village liquor license according to State and Village laws. (See 235 ILCS Sec. 5/4-2)

1-2-53 HEALTH COMMISSIONER. The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the Village authority as prescribed by law.

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1-2-54 DECIDING VOTE - MAYOR. *The Mayor shall preside at all meetings of the Village Board. The Mayor shall not vote on any ordinance, resolution or motion, except:*

- (A) Where the vote of the Trustees has resulted in a tie; or*
- (B) Where one-half (1/2) of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie; or*
- (C) Where a vote greater than a majority of the corporate authorities is required by the Illinois Compiled Statutes to adopt an ordinance, resolution or motion.*

In each instance specified, the Mayor shall vote. Nothing in this Section shall deprive an Acting Mayor or Mayor Pro-tem from voting in his or her capacity as Trustee, but he or she shall not be entitled to another vote in his or her capacity as Acting Mayor or Mayor Pro tem. (See 65 ILCS Sec. 5/3.1-45-5)

1-2-55 RESERVED.

Revised Code**DMSION VI - VILLAGE CLERK**

1-2-56 ELECTED. The Village Clerk shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until a successor is elected and has qualified. (See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-25-90)

1-2-57 VACANCY. Whenever a vacancy in the office of Village Clerk and more than **twenty-eight (28) months** remain in the term and the vacancy occurs not less than **one hundred thirty (130) days** before the general municipal election, next scheduled under the general election law, the office shall be filled for the remainder of the term at that general municipal election. During the period from the time that the vacancy occurs until the next election of Trustees, the Mayor shall appoint a qualified person to the office subject to the advice and consent of the Village Board. (See 65 ILCS Sec. 5/3.1-10-50(B))

1-2-58 PUBLICATION OF ORDINANCES; BOARD MINUTES; RECORDS.

(A) **Ordinances.** The Village Clerk shall cause all ordinances passed by the Village Board and approved by the Mayor, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once within thirty (30) days after passage, in one (1) or more newspapers published in the Village. (See 65 ILCS Sec. 5/1-2-5)

(B) **Minutes; Records.** The Village Clerk shall attend all meetings of the Village Board and shall keep in a suitable book to be styled "The Journal of the Village Board", a full and faithful record of its proceedings. The Village Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the Village Board, and at the foot of the record of each ordinance so recorded, the Clerk shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance. (See 65 ILCS Sec. 5/3.1-35-90)

(C) **Bonds.** The Clerk shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. (See 65 ILCS Sec. 5/3.1-35-110)

(D) **Issue Notices.** The Clerk shall issue and cause to be served upon all Trustees, notices of all special meetings of the Village Board; also notices to the members of the different committees of that body and all persons whose attendance may be required before any such committee, when so directed by the Chairman thereof. (See 65 ILCS Sec. 5/1-2-4, 5/1-2-5 and 5/3.1-35-90)

1-2-59 DELIVERY OF PAPERS TO OFFICERS. The Clerk shall deliver to the several committees of the Village Board and to the officers of this Village, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those

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committees or officers by the Board on demand therefor. The Clerk shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his or her charge which may require to be approved or otherwise acted upon by the Mayor. (See 65 ILCS Sec. 5/3.1-35-90)

1-2-60 PREPARATION OF DOCUMENTS, COMMISSIONS AND

LICENSES. *The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him or her under this Code and shall attest the same with the corporate seal, and the Clerk shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this Village.*

1-2-61 REPORT OF LICENSES. *The Clerk shall report to the Village Board at its regular meeting each month and oftener if the Board so requires the data contained in the license register with respect to licenses issued during the previous month.*

1-2-62 DELIVERY OF LICENSES. *In all cases where the Village requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to deliver such plates, tags, or stickers to the person paying the license fee.*

1-2-63 ADMINISTRATION OF OATHS. *The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. (See 65 ILCS Sec. 5/3.1-15-20)*

1-2-64 OUTSTANDING BONDS. *The Clerk shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the Village, showing the number and amount of each, for and to whom the bonds are issued; and when the Village bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; [and in the annual report, the Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof]. (See 65 ILCS Sec. 5/3.1-35-110)*

1-2-65 REPORTS. *The Clerk shall, on or before the regular meeting in each month, make out and submit to the Village Board a statement or report in writing of all the moneys received and warrants drawn during the preceding month, showing therein from or what sources and on what account moneys were received, and for what purposes and on what account the warrants were drawn or paid.*

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1-2-66 SUCCESSION. The Village Clerk shall carefully preserve all books, records, papers, maps and effects of every detail and description belonging to the Village or pertaining to the office, and not in actual use and possession of other Village officers; and upon the expiration of his or her official term, the Clerk shall deliver all such books, records, papers and effects to the successor in office. (See 65 ILCS¹ Sec. 3.1-10-35)

1-2-67 PAYMENTS. The Clerk shall prepare daily an itemized list of all moneys received and shall deliver a copy of the same to the Village Treasurer and shall also pay over to the Treasurer all moneys received in the office and take a receipt therefor.

1-2-68 NOTIFICATION TO PERSONS APPOINTED TO OFFICE. Within five (5) **days** after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

1-2-69 OTHER DUTIES. In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to the office as are or may be imposed upon the office by law or resolution or ordinance of the Village Board. (See 65 ILCS Sec. 5/3.1-10-40)

1-2-70 DEPUTY CLERK. The Village Clerk, when authorized by the Village Board, may appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the Village thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the Village Clerk followed with the word, "**By**" and the Deputy Clerk's name and the words, "**Deputy Clerk**".

The powers and duties herein described shall be- executed by such Deputy Clerk only in the absence of the Village Clerk from the Village Clerk's office in the Village Hall, and only when either written direction has been given by the Village Clerk to such Deputy Clerk to exercise such power or the Village Board has determined by resolution that the Village Clerk is temporarily or permanently incapacitated to perform such functions. (See 65 ILCS Sec. 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)

1-2-71 RESERVED.

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**DMSION VII - VILLAGE
TREASURER**

1-2-72 DEPARTMENT ESTABLISHED. There is hereby established a department of the municipal government of the Village which shall be known as the "**Finance Department**". It shall embrace the Finance Committee and the Treasurer.

1-2-73 FINANCE COMMITTEE. The standing committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

1-2-74 TREASURER APPOINTED; VACANCY. The Treasurer shall be appointed for a **one (1) year term** by the Mayor with the advice and consent of the Village Board and shall serve until a successor is appointed and has qualified. All vacancies shall be filled in the manner prescribed for the Village Clerk in Section 1-2-57 of this Chapter. (See 65 ILCS Sec. 5/3.1-30-5)

1-2-75 MONEY; WARRANTS; ACCOUNTS; PAYMENTS. The Village Treasurer shall receive all moneys belonging to this Village and shall pay all warrants signed by the Mayor and countersigned by the Village Clerk and not otherwise; and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. The Treasurer shall give to every person paying money into the Village Treasury a receipt therefor, specifying the date of payment, and upon what account paid, and shall file copies of such receipts with the Clerk with the monthly reports. (See 65 ILCS Sec. 5/3.1-35-40)

1-2-76 WARRANT REGISTER. The Treasurer shall keep a register of all warrants redeemed and paid, showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid; and the Treasurer shall cancel all warrants as soon as they are redeemed. (See 65 ILCS Sec. 5/3.1-35-40 and 5/3.1-35-45)

1-2-77 PERSONAL USE OF FUNDS. The Municipal Treasurer shall keep all money belonging to the Municipality and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Municipality's moneys or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. (See 65 ILCS Sec. 5/3.1-35-55)

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1-2-78 BOND. The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the Village for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than one and one-half times the largest amount which the Board estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the Village, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. (See 65 ILCS Sec. 5/3.1-10-45)

1-2-79 SPECIAL ASSESSMENTS. The Treasurer shall collect **all** payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto. (See 65 ILCS Sec. 5/3.1-35-85)

1-2-80 BOOKKEEPING. The Treasurer shall keep the books and accounts in such a manner as to show with accuracy, all moneys received and disbursed for the Village, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of the office shall be, at all times, open to examination by the Mayor or the Finance Committee of the Board. (See 65 ILCS Sec. 5/3.1- 35-40)

1-2-81 STATEMENTS. The Treasurer shall report to the corporate authorities at the regular monthly meeting, a full and detailed account of all receipts and expenditures of the municipality as shown by his books up to the time of the report. (See 65 ILCS Sec. 5/3.1-35-45)

1-2-82 REPORT DELINQUENT OFFICERS. It shall be the duty of the Treasurer to report to the Village Clerk any officer of the Village authorized to receive money for the use of the Village who may fail to make a return of the moneys received by the Treasurer at the time required by law or by ordinances of the Village.

1-2-83 YEAR-END REPORT. Within six (6) **months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the Village Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in

this Section. The Treasurer shall show the following in such account:

Illinois Codification Services

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

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

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

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

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

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

1-2-84

SUBMIT APPROPRIATION TO VILLAGE BOARD. The Treasurer shall on or before the **fifteenth (15th) day of May** in **each year**, and before the annual appropriations to be made by the Village Board, submit to the Village Board a report of the estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. The Treasurer shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, the Treasurer is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

The Treasurer shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report, shall give such other information to the Village Board as he or she may deem necessary to the end that the Village Board may fully understand the money exigencies and demands upon the corporation for the current year. (*See 65 ILCS Sec. 5/3.1-35-115*)

1-2-85 DEPOSIT OF FUNDS.

(A) **Designation by Board.** The Treasurer is hereby required to keep all funds and moneys in his or her custody belonging to the Village in such places of deposit as have been designated by **Section 1-2-85(0)**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the Village in the custody of the Treasurer. When a bank or savings and loan association has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the Municipal Treasurer of that fact in writing at least five (5) **days** before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money that the Treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

(B) The Municipal Treasurer may require any bank or savings and loan association to deposit with the Treasurer securities or mortgages that have a market value at least equal to the amount of the funds or moneys of the municipality deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(C) The Municipal Treasurer may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of municipal funds.

(D) Each Municipal Treasurer may:

- (1) combine moneys from more than one fund of a single municipality for the purpose of investing those funds and;
- (2) join with other municipal treasurers or municipalities for the purpose of investing the municipal funds of which the Treasurer has custody.

Joint investments shall be made only in investments authorized by law for the investment of municipal funds. When moneys of more than one fund of a single municipality or moneys of more than one municipality are combined for investment purposes, the moneys combined for that purpose shall be accounted for separately in all respects and the earnings from investments shall be separately and individually computed, recorded, and credited to the fund or municipality, as the case may be, for which the investment was acquired.

(E) No bank or savings and loan association shall receive public funds as pennitted by this Section unless it has complied with the requirements established by Section 6 of the Public Funds Investment Act. (See 65 ILCS Sec. 5/3.1-35-50 and 30 ILCS Sec. 235/6)

(F) The following bank(s) are herewith designated as places of deposit where the Treasurer of the Village is required to keep all funds and moneys in his custody belonging to this municipality:

- (1) Illinois Codification Services
- (2)
- (3)

People's State Bank of
Manito Pekin Savings and
Loan Association
Illinois State Treasurer's
Investment Pool

(Ord. No. 454; 07-05-88)

RESERVED.

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Revised Code**DMSION VIII -
JUDICIARY**

1-2-88 APPOINTMENT OF ATIORNEY. The Attorney shall be appointed by the Mayor, by and with the advise and consent of the Village Board for the term of one **(1) year**, unless sooner removed for cause, and until a successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the Village and shall be known as the Village Attorney and shall receive an annual salary as determined by the appropriation ordinance, compensation for office services and advice, and shall receive reasonable fees for other services rendered when, in his or her judgment, or in the judgment of the Mayor or Village Board, the same are necessary or are for the best interests of the Village. (See 65 ILCS Sec. 5/3.1-30-5)

1-2-89 DUTIES.

(A) **Prosecute for Villa2e.** The Village Attorney shall prosecute or defend on behalf of the Village in all cases in which the interests of the corporation or any officer thereof are involved; and the Village Clerk shall furnish himor her with certified copies of any ordinance, bond or paper in keeping necessary to be filed or used in any suit or proceedings.

(B) **Preparation of Ordinances.** The Attorney shall, when required, advise the Village Board or any officer in all matters of law in which the interests of the corporation are involved, and shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required by the Mayor, the Village Board, or any committee thereof.

(C) **Judgments.** The Attorney shall direct executions to be issued upon all judgments recovered in favor of the Village, and shall direct their prompt service. The Attorney shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the Village therefore.

(D) **Violations of Ordinances.** The Attorney shall institute and prosecute an action in every case of violation of a Village ordinance when instructed to do so by the Mayor or the Village Board.

(E) **Prosecution of Suits.** The Attorney shall not be required to prosecute any suit or action arising under the ordinances of the Village when, upon investigation of the same, the Attorney shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and shall dismiss or discontinue any such suit or proceeding upon such terms as he or she may deem just or equitable.

(F) **Collection of Taxes.** The Attorney is hereby authorized and instructed to enforce the collection of any and all taxes and special assessments in the collection of which the Village is interested and to attend all sales of real or personal property made to enforce the collection of such taxes or special assessments and to bid thereat on behalf of the Village.

(G) **Commissions.** The Village Attorney shall act as the legal advisory for the Utilities Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the Village Board. The Attorney shall perform all legal services as may be required for those boards and commissions.

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1-2-90 PROSECUTOR'S FEE.

(A) For each complaint that is prosecuted on behalf of the Village to enforce the provisions of general ordinances of the Village, and also enforce provisions of State Statutes, statutes affecting the affairs of the Village, there shall be added as costs to be assessed against the defendant in each case, the sum of **Twenty-Five Dollars (\$25.00)**, to be known as the Village Prosecutor's Fee.

Upon said defendant being found guilty of the charges, as set up in the complaint that is filed on behalf of the Village in any of the two above named situations, it shall be the duty of the Court before whom such matter is heard to assess a Village Prosecutor's Fee in the sum of **Twenty-Five Dollars (\$25.00)**, which shall be paid directly to the Prosecutor by the Clerk of the Circuit Court, and that the fine or penalty as assessed by the Court for the violation of the complaint shall be paid to the Village Clerk of the Village.

1-2-91 - 1-2-110 RESERVED.

DIVISION IX - VILLAGE ENGINEER

1-2-111 APPOINTMENTS. With the advice and consent of the VillageBoard, the Mayor may appoint an engineer for the Village, who shall serve for the term of the Mayor or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and Village Board.

1-2-112 DUTIES - SALARY. The Village Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the Village Board. The Engineer shall also examine all public works under his or her charge and see that the plans, estimates and specifications for the same are properly executed. The Engineer shall also receive a salary as established in the annual budget. (See 65 ILCS Sec. **5/3-7-6**)

ARTICLE III - SALARIES

1-3-1 SALARIES OF VILLAGE OFFICIALS. The following salaries are hereby established for elected Village Officials:

(A) **Mayor.** The Mayor shall receive **Two Thousand Five Hundred Dollars (\$2,500.00)** per year.

(B) **Trustees.** The Village Trustees shall receive **Seventy-Five Dollars (\$75.00)** per meeting plus **Twenty-Five Dollars (\$25.00)** per each special meeting.

(C) **Village Clerk.** The Village Clerk shall be paid a salary of **Three Thousand Five Hundred Dollars (\$3,500.00)** per year.

(D) **Village Treasurer.** The Village Treasurer shall be paid the sum as provided by the appropriation ordinance.

(See 65 ILCS Sec. 5/3.1-50-5; 5/3.1-50-10; 5/3.1-50-15)

[ED. NOTE: The salaries of elected officials who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least one hundred eighty (180) days before to a general municipal election in which voting is held for those offices.]

ARTICLE IV - MANAGEMENT ASSOCIATION

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

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

Revised Code**ARTICLE V -STATE GIFT BAN ACT****1-5-1 ADOPTION OF ACT.**

(A) The State Gift Ban Act (**5 ILCS Sec. 425 et seq.**) is hereby adopted as required by Section 83 of the Act (**5 ILCS Sec. 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. All non-salaried appointed or elected officials are exempted from the Act and the provisions of this Article.

1-5-2 ETHICS OFFICER. To the extent authorized by law and to the extent required by Section 35 of the Act (**5 ILCS Sec. 425/35**), the Mayor is appointed to serve as the "ethics officer" of the Village. The ethics officer's duties shall be as provided in Section 35 of the Act.

1-5-3 STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS.

All complaints for violation of the Act and this Article shall be filed with the State legislative ethics commission (created by Section 45(a)(6) of the Act).

1-5-4 FUTURE AMENDMENTS TO STATE GIFT BAN ACT.

Any amendment to the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) that becomes effective after the passage of this Article shall be incorporated into this Article 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 Article by reference without formal action by the corporate authorities of the Village.

1-5-5 FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT.

(A) If the Illinois Supreme Court declares the State Gift Ban Act (**5 ILCS Sec. 425/1 et seq.**) unconstitutional in its entirety, then this Article 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 Article shall be deemed repealed without further action by the corporate authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(B) If the Illinois Supreme Court declares part of the State Gift Ban Act (**5 ILCS Sec. 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 Article shall remain in full force and effect; however, that part of this Article relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

(Ord. No. 99-4; 06-07-99)

CHAPTER3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

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

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

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

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

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

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

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

"DANGEROUS DOG". "Dangerous dog" means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places. (See 510 ILCS 5/15(2))

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

"DOG". "Dog" means all members of the family Canidae. (See 510 ILCS 5/2.11)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-1-3 INJURY TO PROPERTY.

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

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

3-1-4 MANNER OF KEEPING.

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

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

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

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

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

3-1-6 CRUELTY TO ANIMALS PROHIBITED.

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

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

3-1-7 EXHIBITING WILD OR VICIOUS ANIMALS.

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

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

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

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

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

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

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

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

(B) **Limitation; Exception.**

- (1) It shall be unlawful for any person or persons to keep more than **three (3) dogs** and/or **three (3) cats** within the Village, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.
- (2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

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

3-1-10 ANIMALS, ETC. IN VILLAGE.

(A) **Certain Prohibitions.** Except as otherwise provided in this Chapter no person shall keep within the Village any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, rabbits, or other livestock.

(B) **Exceptions.** This Section shall not apply in areas of the Village that are zoned agricultural in nature nor shall this Section apply to livestock brought in to the Village for the purpose of being shipped out of the Village.

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

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

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ARTICLE II - DOGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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3-2-11

**IMPOUNDMENT OF DOGS WHICH
HAVE BITTEN PERSONS.**

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

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

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

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

3-2-14 VILLAGE POUND DESIGNATED. The Village Board shall designate a Village Pound for the safekeeping of animals that are found as strays or have been acquired due to malicious activity or other violations of this code.

3-2-14 DISPOSITION OF DOGS DEEMED NUISANCES. Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

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3-2-15 DANGEROUS DOG - FEMALE DOG AT LARGE. It shall be unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog, while in heat, to run at large within the limits of this Village.

3-2-16 FEMALE DOG WITH OTHER DOGS. No person in control or possession of a female dog or permitting the same to remain upon his or her premises, shall permit any such female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon his own or any other premises.

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

ARTICLE III - VICIOUS AND DANGEROUS DOGS

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

(A) **"Vicious dog"** means:

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

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

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

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

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

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

(E) **"Found to Be Vicious Dog"** means:

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

and, based on that finding, the Administrator or an Animal Control Warden has declared in writing that the dog is a vicious dog or

- (2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

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

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

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

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

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

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

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

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

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

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

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

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

(See also 510 ILCS Sec. 5/24)

Revised Code

ARTICLE IV

PIT BULL DOG CODE

3-4-1 LEGISLATIVE INTENT. This Article is adopted pursuant to the powers granted to municipalities in **Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-1-1; 5/11-5-6 and 5/11-20-9.**

3-4-2 DEFINITIONS. For the purpose of this Article the following terms and phrases shall have the meanings set forth in this Section.

"BITE" means to seize or cut with the teeth.

"CONFINEMENT STRUCTURE" means a securely locked pen, kennel or structure designed and constructed for the keeping of a Pit Bull Dog and shall be designed, constructed and maintained in accordance with the standards provided herein. Such a pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two **(2) feet**. All structures erected to house pit bull dogs must comply with all Village Zoning and Building regulations. All such structures must be adequately lighted, ventilated and kept in clean and sanitary conditions.

"FIGHT" means a prearranged conflict between **two (2)** or more animals, but does not include a conflict that is not organized or accidental.

"K-9 PATROL DOG OR POLICE DOG" means a professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

"LEASH" means a cord, chain, rope, strap or other such physical restraint having a tensile strength of not less than three **hundred (300) pounds**.

"MUZZLE" means a device constructed of strong, soft material or a metal muzzle. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

"NIP" means to pinch or squeeze teeth with no breaking of skin or tissue.

"PIT BULL DOG" is defined to mean any of the following:

- (A) Bull terrier breed of dog;
- (B) Staffordshire bull terrier breed of dog;
- (C) American pit bull terrier breed of dog;
- (D) American Staffordshire terrier breed of dog; and
- (E) Dogs of mixed breed or of breeds other than above listed which breed or mixed breed is known as pit bulls, Pit Bull Dogs or pit bull terriers.

"RUNNING AT LARGE" means the failure to confine a Pit Bull Dog in accordance

with a "leash" as defined herein.

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"VICIOUS PIT BULL DOG" means any animal that has, without provocation, attacked a human being or other animal, or a Pit Bull Dog that, by its behavior or physical condition, constitutes an immediate and serious physical or health threat to human beings or animals, or any Pit Bull Dog which has previously attacked or bitten any human being or other animal on **two (2)** or more reported occasions.

3-4-3 KEEPING OF PIT BULL DOGS PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village any Pit Bull Dog, provided that Pit Bull Dogs residing in the Village on the date of passage of this Code may be kept within the Village subject to the standards and requirements herein set forth.

Pit Bull Dogs residing in the Village at the time of passage of this Code may be kept by their owners within the Village, subject to the standards in this Article.

3-4-4 SALE OR TRANSFER OF OWNERSHIP PROHIBITED. No person shall sell, barter or in any other way, dispose of a Pit Bull Dog registered within the Village to any person within the Village unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such Pit Bull Dog; provided that the registered owner of a Pit Bull Dog may sell or otherwise dispose of a Pit Bull Dog or the offspring of such Pit Bull Dog to persons who do not reside within the Village.

3-4-5 ANIMALS BORN OF PIT BULL DOGS. All offspring born of Pit Bull Dogs registered within the Village must be removed from the Village within **six (6)** weeks of the birth of such animal.

3-4-6 IRREBUTTABLE PRESUMPTIONS. There shall be an irrebuttable presumption that any dog registered with the Village as a Pit Bull Dog or any of those breeds prohibited by this Code is in fact a Pit Bull Dog subject to the requirements of this Article.

3-4-7 LICENSING OF PIT BULL DOGS.

(A) No person shall possess any Pit Bull Dog for a period of more than **forty-eight (48) hours** without having first obtained a license therefore from the Village.

(B) An application for a license to possess a Pit Bull Dog shall be filed with the Village Clerk on a form prescribed and provided by the Village Clerk and shall be accompanied by all of the following:

- (1) Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license.
- (2) Proof of ownership of the Pit Bull Dog.

(3)

A copy of the current immunization and health record of the Pit Bull Dog prepared by a veterinarian licensed to practice in the State of Illinois.

- (4) A Certificate of Insurance evidencing coverage in an amount not less than **One Hundred Thousand Dollars (\$100,000.00)** providing coverage for any injury, damage or loss caused by the Pit Bull Dog.
- (5) **Two (2) photographs** of the Pit Bull Dog to be licensed taken not less than **one (1) month** before the date of the application. **One (1) photograph** shall provide a front view of the Pit Bull Dog and shall clearly show the face and ears of the Pit Bull Dog. **One (1) photograph** shall show a side view of the Pit Bull Dog.
- (6) A license fee of **Ten Dollars (\$10.00)**.
- (7) Such other information as may be required by the Village Clerk.

(C) Upon receipt of an application, the Village Clerk shall forward such application to the Police Department which shall cause an inspection of the premises on which the Pit Bull Dog shall be kept to determine that all provisions of this Code relating to confinement and posting of signs have been complied with by the applicant. Upon completion of the inspection, the Police Department shall notify the Village Clerk in writing of the results of its inspection.

(D) Upon receipt of the results of the Police Department inspection, the Village Clerk shall notify the applicant of the approval or denial of the license. In the event that the license is denied, the notification shall be provided in writing and the reasons for such denial shall be stated. Upon approval, the Village Clerk shall issue a license to the applicant.

3-4-8 CONFINEMENT OF PIT BULL DOG. No person shall possess any Pit Bull Dog unless the Pit Bull Dog is confined in accordance with this Article.

(A) **Confinement Indoors.** No Pit Bull Dog may be kept on a porch, patio or in any part of a house or structure that would allow the Pit Bull Dog to exit the structure on its own volition. No Pit Bull Dog shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the Pit Bull Dog from exiting the structure.

(B) **Confinement in an Exterior Yard.** No person shall confine a Pit Bull Dog in an exterior area unless such Pit Bull Dog is confined in a "confinement structure" constructed and maintained in accordance with this Code, except that a Pit Bull Dog may be confined outside of a "confinement structure" in a manner set forth as provided in paragraph

(C) below.

(C) **Confinement on Leash.** No person shall permit a Pit Bull Dog to go outside a confinement structure, house, or other structure unless the Pit Bull Dog is securely restrained with a leash no longer than **four (4) feet** in length and fitted with a muzzle. No person shall

permit a Pit Bull Dog to be kept on a leash unless a person is in physical control of the leash. No leash restraining any Pit Bull Dog shall be attached to any inanimate object including, but not limited to, trees, posts, stakes and buildings.

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3-4-9 REPORTING REQUIREMENTS OF LICENSEE. Any person holding a license pursuant to this Article shall report the incidence of any of the following events:

(A) The sale, barter, exchange, gift or death of any Pit Bull Dog shall be reported within **forty-eight (48) hours**.

(B) The escape from confinement of any Pit Bull Dog shall be reported upon discovery of the escape.

(C) The biting or nipping of any person or animal by a Pit Bull Dog shall be reported upon occurrence.

(D) The birth of any offspring of a Pit Bull Dog shall be reported within **forty-eight (48) hours** of the birth of the offspring.

(E) The permanent removal of any Pit Bull Dog from the territorial limits of the Village shall be reported within **forty-eight (48) hours** of such removal by surrender of the license of the owner to the Village Clerk.

The report of any incident required to be reported under this Article shall be made to the Village Police Department.

3-4-10 SIGN REQUIRED. All persons possessing a Pit Bull Dog shall display in a prominent place on the premises where a Pit Bull Dog is to be kept a sign which is readable by the public from a distance of not less than **one hundred (100) feet** using the words "**BEWARE OF DOG - PIT BULL**". A similar sign shall be posted on any confinement structure.

3-4-11 FIGHTING PROHIBITED. No person shall fight or bait, conspire to fight or bait, or keep, train, or transport for the purpose of fighting or baiting, any Pit Bull Dog.

3-4-12 IMPOUNDMENT OF VICIOUS PIT BULL DOG. Any Pit Bull Dog which by its actions is a vicious Pit Bull Dog as defined herein shall be subject to immediate impoundment by the Police Department in a humane facility for the keeping of dogs. If the incident giving rise to the impoundment has resulted in an injury to a person, upon impoundment by the Police Department the Chief of Police or his designee shall notify the Rabies Control Administrator of the county pursuant to **Chapter 510, Illinois Compiled Statutes, Section 5/12**, and shall transfer control of the Pit Bull Dog to the Administrator in accordance with **Chapter 510, Illinois Compiled Statutes, Section 5/13**.

3-4-13 IMPOUNDMENT OF PIT BULL DOG RUNNING AT LARGE.
Any Pit Bull Dog found to be running at large by any member of the Village Police Department shall be presumed to be in violation of this Code and shall be subject to impoundment by the Police Department in a humane facility for the keeping of dogs.

3-4-14 REDEMPTION OF IMPOUNDED PIT BULL DOG. An owner of a Pit Bull Dog holding a license pursuant to this Code may redeem an impounded Pit Bull Dog if:

(A) a Pit Bull Dog has been impounded pursuant to **Section 3-4-13** of this Code or

(B) a vicious Pit Bull Dog which has not caused an injury to a person, subject to the following conditions:

(1) Proof of a valid license issued by the Village under this Code.

(2) Payment of the cost of keeping the Pit Bull Dog during the period of impoundment.

(C) An owner of a Pit Bull Dog which has caused an injury to a person resulting in the impoundment of the Pit Bull Dog shall be entitled to redeem the Pit Bull Dog

- in accordance with Chapter 510 Section 5/13 of the Illinois Compiled Statutes.

3-4-15 REVOCATION OF LICENSE. A license granted pursuant to this Code shall be automatically revoked upon any violation by the licensee of any provision of this Code. In the event of a revocation of the license, the license fee shall be retained by the Village.

3-4-16 EXCEPTIONS. This Code shall not apply to any K-9 Patrol Dogs or Police Dogs as defined herein.

3-4-17 PENALTIES. Upon conviction of a violation of this Article, the Court shall assess a fine of not less than **One Hundred Fifty Dollars (\$150.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**.

Upon a finding by the Court that a licensee has violated this Article of this Code the Court shall enter an order revoking the license and ordering the former holder of the license to remove the Pit Bull Dog from the Village.

3-4-18 FAILURE TO COMPLY. It shall be unlawful for the owner, keeper, or harbinger of a Pit Bull Dog registered with the Village to fail to comply with the requirements and conditions set forth in this Code. Any Pit Bull Dog found to be the subject of a violation of this Code shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the Village.

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CHAPTER4

BOARDS AND

COMMISSIONS

ARTICLE I - PLAN COMMISSION

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

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

4-1-3 TERM OF OFFICE. The members shall serve for a period of five (5) **years**. Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the Board deems it advisable, they may receive such compensation as provided by the Village Board by appropriation.

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

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

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

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

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

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

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

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

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

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

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

4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within one and one-half (1 1/2) miles from the corporate limits of the Village. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of

the Village or within contiguous territory which is not more than **one and one-half (1 1/2)** miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map. (See 65 ILCS Sec. 5/11-12-12)

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

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

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

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

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CHAPTER 6

BUILDING CODE

ARTICLE I - SWIMMING POOL CODE

6-1-1 **DEFINITION OF SWIMMING POOL.** No structure shall be deemed a swimming pool unless it shall be capable of containing more than **two (2) feet** of water.

6-1-2 **LOCATION.** Private swimming pools shall not be located in the front yard.

6-1-3 **MINIMUM DISTANCE REQUIREMENTS.**
(A) There shall be a minimum of at least **seven (7) feet** between the adjoining property line or the alley right-of-way and the outside of the pool wall.
(B) There shall be a distance of not less than **four (4) feet** between the outside pool wall and any building located on the same lot.
(C) No swimming pool shall be located on an easement.

6-1-4 **ENCLOSURE OF INGROUND SWIMMING POOLS.**
(A) All private swimming pools shall be enclosed by a chain link or comparable design fence, not less than **four (4) feet** in height.
(B) A gate attached to such a fence shall be a self-closing- and latching type with the latch attached to the inside of the gate.
(C) All gates around fences of private swimming pools shall be locked when the pool is not in use.

6-1-5 **ABOVE GROUND SWIMMING POOL REQUIREMENTS.** All above ground swimming pools shall be required to be enclosed as in ground pools, or enclosed with a minimum of **two (2) feet** above the pool walls or deck with a self closing and latching type gate with the latch attached to the inside of the gate. All gates around the enclosure will be locked when the pool is not in use.

6-1-6 **PENALTY; LIABILITY OF OWNER.** The owner of the real estate and/or the person or persons residing thereon, are deemed to be in control of the private swimming pool located thereon and any such person violating any of the provisions of this Code shall upon conviction thereof, be fined as provided in **Section 1-1-20.**

(Ord. No. 97-11; 12-01-97)

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CHAPTER 7

BUSINESS CODE

ARTICLE I - ADMINISTRATION

DIVISION I - GENERALLY

7-1-1 APPLICATIONS.

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

(B) Each application shall contain:

- (1) the name of the applicant;
- (2) the permit or license desired;
- (3) the location to be used, if any;
- (4) Zoning district, if any;
- (5) the time covered; and
- (6) the fee to be paid.

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

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

7-1-3 FORM OF LICENSE. Every license shall be signed by the Mayor and attested by

the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

7-1-4 INVESTIGATIONS.

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

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

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

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

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

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

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

7-1-5 FEES. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of

death or departure of the licensee or permittee, nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

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

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

7-1-7 BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this Municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of this Code and/or other applicable regulations of this Municipality. (See Chapter 40 - Zoning Code)

7-1-8 CHANGE OF LOCATION. The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that ten (10) days notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with. (**See Chapter 40- Zoning Code**)

7-1-9 LOCATION. No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this Municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

7-1-10 RESERVED.

DIVISION II — NUISANCES PROHIBITED AND INSPECTIONS

7-1-11 GENERALLY. No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises

[ED. NOTE: The County Health Department should be consulted.]

UNSAFE OR UNHEALTHFUL BUSINESS.

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

REFUSE DISPOSAL.

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

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

INSPECTIONS.

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or

the person in charge of the premises to give to any duly authorized officer or employee of this Municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.

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

7-1-15

RESERVED.

DIVISION III — SUSPENSION AND/OR REVOCATION

7-1-16 NUISANCE. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

7-1-17 HEARING. Within eight (8) days after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

7-1-18 REVOCATION. Licenses and permits issued in this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in Sections 7-1-19 and 7-1-20 of this Division for any of the following causes:

- (A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;
- (B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
- (D) Failure of the licensee or permittee to pay any fine or penalty owed to this Municipality;
- (E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in Section 7-1-14.

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

7-1-19 HEARING NOTICE. Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least five (5) days prior to the date set for the hearing.

7-1-20 COUNSEL. At the hearing, the attorney for the Municipality shall present the complaint and shall represent the Municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

7-1-21 APPEAL. Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in Section 7-1-4 or in connection with the revocation of a license or permit as provided in this Division shall have the right to appeal to the Village Board. Such appeal shall be taken by filing with the Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Mayor shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Division III hereof. The decision of the Village Board on such appeal shall be final.

7-1-22 LICENSE TO BE POSTED. It shall be the duty of every person conducting a licensed business in this Municipality to keep his license posted in a prominent place on the premises used for such business at all times.

7-1-23 BUSINESS VEHICLE STICKER. Whenever the number of vehicles used is the basis in whole or in part for a license fee, the Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each business vehicle.

ARTICLE II- SOLICITORS

7-2-1 DEFINITIONS. For the purpose of this Chapter, the following words as

used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

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

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

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

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

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

7-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION.

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

- (A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.
- (B) Address of place of residence during the past **three (3) years** if other than present address.
- (C) Age of applicant and marital status; and if married, the name of spouse.
- (D) Physical description of the applicant.
- (E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F) Name and address of employer during the past three (3) years if other than the present employer.
- (G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

- (H) Period of time for which the Certificate is applied.
- (I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.
- (J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?
- (K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?
- (L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?
- (M) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application in this Municipality and the address from which such business was conducted in those municipalities.
- (N) Also, such additional information as the Chief of Police may deem necessary to process the application. All statements made by the applicant upon the application or in connection therewith shall be under oath. The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications. Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued. No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within five (5) **years** of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

7-2-4 ISSUANCE AND REVOCATION OF CERTIFICATE. The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as

herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

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

The Certificate of Registration shall state the expiration date thereof.

7-2-5 POLICY ON SOLICITING. It is declared to be the policy of this Municipality that the occupant or occupants of the residences in this Municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences. If no determination is made as is provided in Section 7-2-7 hereof, then in that event, registration is not required

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

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

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

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

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

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

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

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

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

7-2-8 UNINVITED SOLICITING PROHIBITED. It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such

residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 7-2-6.

7-2-9 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** of any weekday or at any time on a Sunday or on a State or National holiday.

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

- (A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "**An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor,**" approved July 26, 1963, as amended.
- (B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.
- (C) Be engaged in a state-wide fund-raising activity.
- (D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.
- (E) Any person so engaged in such solicitation shall be at least sixteen (16) years of age and shall wear a high visibility vest.
- (F) Solicit only during daylight hours.
- (G) Any one charitable organization shall be limited to conducting no more than two (2) solicitations per calendar year.

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

- A. Daily License: \$10.00 per day per person
- B. Annual License: \$50.00 per year per person.

ARTICLE III - PEDDLERS

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

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

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

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

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

7-3-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to 10:00 A.M. or after 5:00 P.M. of any weekday or at any time on a Sunday or on a State or National holiday.

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

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

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

7-3-9 **PEDDLERS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the Municipality by peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is

punishable as a violation of this Code. No person shall peddle in a public square.

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

7-3-11 **OCCUPATIONS EXCLUDED.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the Municipality or anyone duly licensed.

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

(A) Daily License: \$10.00 per person per day

(B) Annual License: \$50.00 per person per year

ARTICLE IV - COIN-OPERATED MACHINES

7-4-1 **DEFINITIONS.** Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

"COIN-OPERATED AMUSEMENT DEVICE" means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pin-ball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

"OPERATOR" is hereby defined to be any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose of operation by another, any device(s) herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

"PROPRIETOR" is hereby defined to be any person, firm, corporation, partnership, association or a club who, as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or on which such device is placed or kept for use or play or on exhibition for the purpose of use or play.

7-4-2 **LICENSE REQUIRED.** No person, firm or corporation shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this Municipality

without having first obtained the proper license therefor.

7-4-3 **APPLICATION.** Application for license shall be verified by oath or affidavit and contain the following information:

(A) The name, age and address of the applicant in the case of an individual and, in the case of a co-partnership, of the persons entitled to share in the profits thereof; and in the case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors; and if a majority in interest of the stock of such corporation is owned by one person or his nominee(s), the name and address of such person(s).

(B) The citizenship of the applicant, his place of birth; or if a naturalized citizen, the time and place of his naturalization.

(C) The address of the place where the applicant proposes to operate.

(D) A statement whether the applicant has made a similar application for a similar license on premises other than those described in the application and the disposition of such other application.

(E) A statement that the applicant has never been convicted of a felony and is not disqualified to receive the license under this Section.

7-4-4 **PROHIBITED LICENSEES.** No license under this Section shall be issued to:

(A) Any person who is not a citizen of the United States.

(B) Any person who is not of good character and reputation in the community.

(C) Any person who has been convicted of a felony under the laws of Illinois; or of being the keeper of a house of ill-fame; or of pandering or other crime or misdemeanor opposed to decency or morality.

(D) Any person whose license issued under this Chapter has been revoked for cause.

(E) Any partnership, unless all of the members of the partnership are qualified to obtain such license.

(F) Any corporation if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license for any reason other than citizenship or residency within this Municipality.

(G) Any person whose place of business is conducted by a manager or agent unless the manager or agent is of legal age and possesses the same qualifications required of the licensee.

(H) Any person who does not own the premises for which a license is sought, or does not have a lease therefor for the full period for which the license is to be issued.

7-4-5 **FEES.** The annual fee for such license shall be **Twenty-Five Dollars (\$25.00) per year** or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor.

(A) All operator's license fees shall be payable annually in advance and in no case shall any portion of said license fee be refunded to the licensee.

(B) The license period shall be for the fiscal year of the Municipality ,and all applications for renewal shall be made to the Clerk not more than **thirty (30) days, but no less than fifteen (15) days** prior to the expiration of such license.

7-4-6 **NON-ASSIGNABILITY OF LICENSE.** The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be non-assignable and non-transferable.

7-4-7 **PLACEMENT; GAMBLING PROHIBITED.**

(A) All licensed devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

(B) Nothing in this Article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

(C) **Prizes and Awards Prohibited.** It shall be unlawful for any person receiving a license pursuant to this Article to give or award a cash prize or equivalent to any person playing any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

7-4-8 **DISPLAY OF LICENSE.** Every licensee shall frame and hang his license in a conspicuous place in the licensed premises.

7-4-9 **RIGHT OF ENTRY.** The Chief of Police has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this Article.

(See **65 ILCS Sec. 5/11-55-1**)

ARTICLE V - RAFFLE CODE

7-5-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Code in the sense given them in the following definitions:

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

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

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

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

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

7-5-2 ADMINISTRATION. The Mayor is hereby charged with the administration of the appropriate provisions of this Code, and may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided, including, but not limited to, the members of his staff,

the Village Attorney, the Village Clerk, and the Chief of Police. (See 230 ILCS Sec. 15/2)

7-5-3 **LICENSE REQUIRED.** No person or organization shall conduct or

partake in the selling of raffle chances within the limits and territory of this Village without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the **Illinois Compiled Statutes**. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five **(5) year period** a bona fide membership engaged in carrying out their objectives or to a nonprofit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. (See 230 ILCS Sec. 15/2)

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

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

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

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

7-5-4 **APPLICATIONS FOR LICENSE.** The Mayor is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets within the limits and territory of the Village upon the conditions and in the manner provided by this Code and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Village Clerk with the seal of his office affixed thereto.

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

(A) The name and address of the organization;

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

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

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

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

- (F) The amount that the organization plans to charge for each raffle chance issued or sold;
- (G) The time and location where the raffle is to be held;
- (H) The purpose for which the proceeds of the raffle will be used;
- (I) The name and address of the person conducting and performing the raffle, and his relationship with the organization
- (J) The last date which the applicant has applied for a raffle license;(K)The area in which the organization plans to sell or issue its raffle chances;
- (K) Whether or not the applicant has ever been convicted of a felony.
- (L) Whether or not the applicant has ever been convicted of a felony.

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

- (A) No person, firm or corporation shall conduct raffles or chances without having first obtained a license therefor pursuant to this Code.
- (B) The license and application for a license shall specify the area or areas within the licensing authority in which raffle chances will be sold• or issued, the time period during which raffle chances will be sold or issued, the time of determination in winning chances, and the location or locations with which winning chances will be determined.
- (C) The application shall contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.
- (D) The Mayor shall act upon a license application within thirty (30) days from the date of application.
- (E) The application for license shall be prepared in accordance with this Code.
- (F) A license authorizes the licensee to conduct raffles as defined in this Code. (See 230 ILCS Sec. 15/3)

7-5-6 PROHIBITED LICENSEES. The following are ineligible for any raffle license:

- (A) Any person who has been convicted of a felony.
- (B) Any person who is or has been a professional gambler or gambling promoter;
- (C) Any person who is not of good moral character;
- (D) Any firm or corporation in which a person defined in paragraphs (A),
- (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;
- (B) Any organization in which a person defined in paragraphs (A), (B), or
- (C) above is an officer, director or employee, whether compensated or not;
- (F) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Code. (See 230 ILCS Sec. 15/3)

7-5-7 RESTRICTIONS ON THE CONDUCT OF RAFFLES.

- (A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the

organization permitted to conduct that game.

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

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

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

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

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

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

7-5-8

RECORDS.

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

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

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

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

TERM AND FEES.

- (A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed **Twenty-Five Thousand Dollars (\$25,000.00);**
- (B) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed **Fifteen Thousand Dollars (\$15,000.00);**
- (C) The maximum price which may be charged for each raffle chance issued or sold shall not exceed **Twenty-Five Dollars (\$25.00);**
- (D) The maximum number of days during which chances may be issued or sold shall not exceed **one hundred twenty (120) days;**
- (E) Licenses issued pursuant to this Article shall be valid for **one (1) raffle** and may be suspended or revoked for any violation of this Article.

THE APPLICATION FEES ARE NONREFUNDABLE EVEN SHOULD THE APPLICATION BE REJECTED BY THE VILLAGE BOARD.

CHAPTER 8

CABLE TELEVISION

8-1-1 **SHORT TITLE.** This Chapter shall be known and may be cited as the "Cable Television Code".

8-1-2 **DEFINITIONS.** For the purpose of this Chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "**shall**" is always mandatory and not merely directory.

"COMPANY" is the grantee of the rights under this Chapter awarding a franchise and is known as Cass Community Antenna TV, Inc.

"SYSTEM" shall mean the entire installation located in the Village.

8-1-3 **GRANT OF AUTHORITY.** The Village, after due consideration in a public proceeding in which interested persons were given the opportunity to participate, being satisfied as to the Company's legal, technical, character, financial and other qualifications and the adequacy feasibility of the Company's construction arrangements, hereby grants to the Company a non-exclusive franchise, right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in the Village; poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Village of a Cable Television System for the purpose of distributing television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth, provided, location of equipment, poles, etc. shall be agreed upon by the Village.

8-1-4 **LIABILITY AND INDEMNIFICATION.** The Company shall pay and by its acceptance of this franchise the Company expressly agrees that it will pay all damages and penalties which the Village may legally be required to pay as a result of the Company's negligence in the installation, operation, or maintenance of the Cable Television System authorized herein. The Village shall notify the Company's representative in the Village within **fifteen (15) days** after the presentation of any claim or demand to the

Village, either by suit or otherwise, made against the Village on account of any negligence or contract as aforesaid on the part of the Company. The Company shall carry and pay the cost of the following liability:

insurance in support of its undertaking to hold the Village harmless from loss sustained by either on account of the negligence of the Company, in at least the amounts indicated below for injury to or death of persons and injury to or destruction of property.

(A) **One Hundred Thousand Dollars (\$100,000.00)** for property damage to any one **(1) person.**

(B) **Two Hundred Thousand Dollars (\$200,000.00)** for property damage in any one **(1) accident.**

(C) **One Hundred Thousand Dollars (\$100,000.00)** for personal injury to any **one (1) person.**

(D) **Five Hundred Thousand Dollars (\$500,000.00)** for personal injury in any one **(1) accident.**

The Company shall comply with all the provisions of the Workman's Compensation Law of Illinois.

8-1-5 **PROVIDE TOLL FREE TELEPHONE NUMBER.** The Company shall have a toll free telephone number to receive inquiries or complaints from subscribers during normal business hours. Any complaints from subscribers shall be acted upon as soon as possible, but at least within **three (3) days** of receipt.

8-1-6 **CONDITION OF ROAD OCCUPANCY.**

(A) The Company may enter into **one (1)** or more contracts with the distributor of light, gas and water utilities in the Village and the telephone company or the owner or lessee of any poles or posts located within the Village to whatever extent such contract or contracts may be expedient and of advantage to Company in furnishing the service covered by this franchise to its customers.

(B) The Company system, poles, wires and appurtenances shall be located, erected and maintained so that none of it shall endanger or interfere with the lives of persons, or interfere with any improvements, present or future, the Village may deem proper to make, or hinder unnecessarily or obstruct the free use of the streets, alleys, bridges, easements, or public property. Poles will not be erected without first consulting the Village Street and Water Superintendent.

8-1-7 **TRANSFER OF FRANCHISE.** No sale or transfer of the system shall be effective unless the vendee, assignee, or lessee has filed in the office of the Village Clerk an instrument, duly executed, reciting the fact of such sale, assignment, or lease, accepting the terms of this Chapter and agreeing to perform all the conditions thereof. This transfer is subject to approval of the Village, said approval shall not be unreasonably withheld.

8-1-8 **PAYMENTS TO VILLAGE.** The Company shall, during each year of operation under this franchise, pay to the Village, three percent (3%) of the annual gross subscriber revenues excluding pay TV service charges received by the Company for cable television services rendered to customers located within the Village. At the time of this annual payment, the Company shall furnish the Village with an annual report showing the Company's annual gross subscriber revenues during the preceding year and such other information as the Village shall reasonably request with respect to properties and expenses related to the Company's services within the Village for such period.

8-1-9 **RECORDS AND REPORTS.** The Company shall keep full, true and accurate and current books of account reflecting its investment and its operations under this franchise, which books and records shall be kept and maintained in the Company's local office and shall be made available for inspection and copying by the Director of Finance of the Village or his authorized representative at all reasonable times.

8-1-10 **PROCEDURES.**

(A) Any inquiry, proceeding, investigation or other action to be taken or proposed to be taken by the Village Board in regard to the operations of the Company's cable television system, including action in regard to a change in subscription rates, shall be taken only after thirty (30) days public notice of such action or proposed action is published in a local daily or weekly newspaper having a general circulation in the Village; a copy of such action or proposed action is served directly on Company and, the Company has been given an opportunity to respond in writing and/or at a hearing as may be specified by the Village Board and general members of the public have been given an opportunity to respond or comment in writing on the action or proposed action.

(B) The public notice required by this Section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the Village Board. If a hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The Grantee is a necessary part to any hearing conducted in regard to its operations.

8-1-11 **FREE CONNECTION AND SERVICE.** Upon request the Company shall furnish free of charge, outside connections and service to hospitals and to all public and parochial schools located within the Village and to Village buildings, when other connections are being made within the particular area of any such hospitals, schools or public buildings; provided, however, any and all inside wiring or work shall be done at the expense of the hospital, school or Village, as the case may be, and provided that a service cable has previously been installed in reasonable proximity to such hospital, school or public building. In addition, the Company agrees that **one (1) channel** of its system will be reserved for the joint use of the Cities and Counties inter-connected by the Company, as a public service, education or information channel. The Company reserves the right to use the channel described herein at any time or during any period for which no program or use of such channel is scheduled by Cities and Counties in accordance with reasonable rules to be prescribed by the Company.

8-1-12 FRANCHISE TERM. The franchise granted the Company herein shall terminate **twenty-five (25) years** from date of grant, and may be renewed for successive **fifteen (15) year terms** on the same terms or conditions as contained herein, or on such different or additional terms and conditions as may be lawfully specified by the Village Board and as are consistent with the requirements of Rule 76.31(a)(6) of the Federal Communications Commission.

8-1-13 COMMENCEMENT OF CONSTRUCTION. Upon grant of this franchise to construct and maintain a community television system in the Village, the Company may enter into contracts with Light, Gas and Water Companies in the Village, Telephone Company or others for the use of poles and post necessary for proper installation of the system, obtain right-of-way permits from appropriate State, County and Federal officials necessary to cross highways or roads under their respective jurisdictions to supply main trunk lines from the Company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever other permits a City, Village, County, State or Federal Agency may require. In the construction, installation and maintenance of its system, the Company will use steel, cable and electronic devices, all specialized and advanced design and type; in the operation of its system, the Company will employ personnel with training, skill and experience in electronics and communications. Neither material nor personnel of this sort will be available to the Company for its system in the event of a war or other similar national emergency.

8-1-14 CONSTRUCTION SCHEDULE. Within **one (1) year** from the date the Federal Communications Commission certifies that the Company's plans for cable television operations in and for the Village comply with its Rules and Regulations governing cable television, the Company shall extend energized trunk cable to **fifty percent (50%)** of the Village and shall extend energized trunk cable to the remaining portions of the Village within **two (2) years thereafter** to any area that has at least **thirty-six (36) homes** per mile, unless additional time is granted by the Village Board upon request of the Company for good cause shown.

8-1-15 RATES. The Company's initial rates for service rendered to normal residential customers shall not exceed the following adjusted annually in accordance with changes in the U.S. Bureau of Labor Statistics Consumer Price Index or seven percent (7%), whichever is the least.

8-1-16 ACTIVITIES PROHIBITED. The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system

interfere with, obstruct or hinder in any manner the operation of the various utilities serving the residents of the Village.

8-1-17 MODIFICATION OF FCC RULES. Consistent with the requirements of Rule 76.31(a)(6) of the Federal Communications Commission shall, to the extent applicable, be considered as a part of this franchise as of the effective date of the amendment made by the FCC and shall be incorporated in such franchise by specific amendments thereto by the lawful action of the Village Board within **one (1) year** from the date of the Federal Communications Commission's amendment or at the time of renewal of this franchise, whichever occurs first.

8-1-18 LIMITED PURPOSE. This franchise is granted by the Village Board to the Company purely for the purpose of using easements, streets and highways of the Village to erect and construct the Company's system and is not intended to convey copyright or patent privileges whatsoever.

[Unless Otherwise Noted, this Chapter Ord. No. 422; 12-01-801

CHAPTER 12

EMPLOYEES

ARTICLE I - PERSONNEL

12-1-1 DEFINITIONS. The following terms as used in this Chapter shall have the meanings indicated:

"Department Head or Superintendent". Any elected or appointed person who has direct supervision and responsibility for personnel, records, funds, maintenance and service to be performed by a municipal department.

"Part-Time Employee". Any person who works less than **thirty-five (35) hours** per week or less than **six hundred (600) hours** per year. (Ord. No. 455; 07-05-88)

12-1-2 **APPLICABILITY.** The provisions of this Chapter will apply to all municipal employees.

12-1-3 **APPOINTMENT OF OFFICIALS AND SUPERVISORY PERSONNEL.** The Mayor, with the advice and consent of the Village Board, shall appoint all personnel with departmental, supervisory or official capacity, except elected officials.

12-1-4 **EMPLOYMENT OF PERSONNEL.** The Village Board, subject to approval by the Mayor, shall have the authority to employ the necessary personnel, as authorized by Board action, to perform the necessary duties of their respective departments. It shall be the Village Board's duty to determine by the physician's report and the applicant's history whether the applicant has the necessary qualifications for performing the duties required before approving the employment of the job applicant.

12-1-5 **PHYSICAL EXAMINATION.** Applicants seeking appointment or employment shall complete a standard application form as provided by the Village, and shall pass a complete physical examination to be given by the Village Physician before starting work. A report of the physician's findings shall be on a standard form provided by the Village. This provision shall apply to full-time employees. The physician's examination fee shall be paid for by the Village. This provision shall not apply to those employees hired in an emergency, or for part-time employees.

12-1-6 **PROBATIONARY PERIOD.** The first **six (6) months** service of an employee is a probationary period during which there shall be no responsibility on the part of the Village for the continued employment of the new employee. Termination of employment during this probationary period shall not be subject to challenge by the employee. When the probationary period is completed, seniority will date back **six (6) months** from the date of completion of probationary period.

12-1-7 **ACCIDENTS.** Personnel involved in or having any knowledge of any accidents whereby any person employed by the Village or any property or equipment owned or operated by the Village involved shall immediately report the accident and pertinent information to the Department Supervisor, who shall forward such information to the office of the Clerk. The Clerk shall record the information on **three (3) copies** of the applicable accident form, **one (1) copy** to be forwarded to the insurance carrier, **one (1) copy** to the Village Attorney, and **one (1) copy** retained on file in the Clerk's office.

12-1-8 **DISMISSAL — EMPLOYEES GENERALLY.** The Department Head or the Mayor may dismiss an employee at any time for just cause. An employee who is dismissed shall be given written notice of the reason(s) for the action, copies of which shall be forwarded to the Mayor and Village Clerk.

12-1-9 **OUTSIDE EMPLOYMENT.** No municipal employee shall engage in any outside employment which will impair the performance of his duties or be detrimental to the municipal service.

12-1-10 **LEAVE OF ABSENCE.** Leave of absence without pay may be granted for a period not to exceed **sixty (60) days** when the granting of such leave is in the mutual interests of the Village and the employee. Such leave shall require approval of the Mayor.

12-1-11 **ABSENCE WITHOUT LEAVE.** No employee may absent himself from duty without permission of his Department Head. Absence without leave shall be sufficient cause for forfeiture of all rights and privileges earned while employed. An employee absent for **three (3) consecutive working days** without notice and without sufficient reason shall be considered to have resigned.

12-1-12 **SPECIAL LEAVE.** Employees or officials on special leave for official Village business, special education or training, upon authorization by the Village Board shall receive a regular pay during the period of the special leave. It is further provided that the Board may authorize that all necessary expenses be paid by the Village.

12-1-13 **TRAVELING EXPENSE.** Request for travel expense funds for official Village business, special education or training shall be submitted to the Village Board for approval, except due to an immediate need, the Mayor and not less than **two (2) members** of the Finance Committee may approve such travel expense funds in lieu of Board action. Upon such approval, the Village Treasurer shall make payment. All expenses incurred for official Village business, special education or training shall be reported within five (5) days upon return to duty, which reports shall be submitted to the office of the Village Clerk. In the event that the travel expense reported is greater than the amount advanced or authorized by Board action, a claim may be filed and submitted to the Board and upon approval of the claim, authorized payment will be made.

12-1-14 **RESIGNATION.** To resign in good standing, appointed personnel shall submit resignations to the Village Board **one (1) calendar month** in advance of the effective date of their resignation. Employed personnel shall submit resignations to the Village Board **one (1) month** in advance of the effective date of their resignation.

12-1-15 **WORK DAYS AND WORK WEEK.** Unless otherwise agreed upon or provided for and except in case of emergency, as determined by the Department Supervisor or Mayor, the

municipal work week shall be **forty (40) hours** per week. There shall be provided at least **eight (8) hours** rest in each **twenty-four (24) hours** period. Department Supervisors shall establish a normal work day specifically designating the starting time, the quitting time, and the lunch period. Employees shall be at their places of work according to these departmental regulations.

All departments shall maintain a daily attendance record of employees, and file a daily absentee report, and/or a termination report with the Village Clerk, and shall furnish periodic reports to the Mayor and Board. The provisions of this Section shall not apply to Department Heads or officials.

12-1-16 OVERTIME. Overtime work is work in addition to the established schedule of hours of work per week and shall be kept to a minimum. Employees working overtime shall be granted compensatory time-off equal to **one (1) hour** for each hour of overtime worked. Compensatory time, if any is earned hereunder, shall be scheduled at the convenience of the Mayor after consideration of the employee's preference, but within the fiscal year during which such time was earned. Such compensatory time must be liquidated within the fiscal year during which it was earned.

12-1-17 EMPLOYEE BENEFITS. The Board of Trustees recognizes that employees are critical to making our Municipality function to its maximum potential. To maintain a good working environment, the Board of Trustees has allowed for the following benefits to compensate employees for their hard work and dedication.

(A) Personal Days. The Board shall allow all full-time employees and the salaried water collector **five (5) paid personal days per year**. Personal days may be used for funerals, personal enjoyment, unplanned events, or other activities.

(B) Holidays. The Board shall allow full-time employees and salaried water collector **six (6) paid holidays** per year in which payment is received without hours being worked. These holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(C) Reserve Days. The full-time employees and salaried water collector shall be entitled to **forty (40) hours** of reserve time annually to be used for illnesses that prevent the employee from working. Reserve time shall not accumulate above **four hundred eighty (480) hours**. Reserve hours are not redeemable at the time of discontinued service to the Village, and the employee is in no way entitled to collect payment for reserve days following discharge, retirement, layoff, or any other form of separation from Village employment.

Any unused personal days are to be claimed at the monthly meeting in February of each year or shall be considered void and lost. If the employee chooses to use only **one (1) week** of vacation, he/she may redeem the second week for pay at the February meeting as opposed to carrying the week over into the next year. Requests of claims must be presented in writing to the Mayor by **February 1** of the current year, stating the employee's intentions for vacation or personal days.

Additional benefits to full-time employees and water collector include health insurance for the employee paid in full, with the option for the employee to purchase coverage for immediate family members; life insurance in the amount of **Ten Thousand Dollars (\$10,000.00)** paid for by the Village on the employee only, and participation

in the Illinois Municipal Retirement Fund. (Ord. No. 97-2; 01-06-97)

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CHAPTER 36
TAXATION

ARTICLE I - GENERALLY

36-1-1 CORPORATE RATE. The maximum rate for general corporate purposes of the Village be and the same is hereby established at a rate of .25%. (See 65 ILCS Sec. 5/8-3-1)

36-1-2 POLICE TAX. The maximum rate for police protection purposes of the Village be and the same is hereby established at a rate of .075%. (See 65 ILCS Sec. 5/11-1-3)

36-1-3 AUDIT TAX. The Village Board may levy a "Municipal Auditing Tax" upon all taxable property in the Village which will produce an amount which will equal the cost of all auditing for the Village. (See 65 ILCS Sec. 5/8-8-8)

36-1-4 F.I.C.A. TAX. The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to participate in the federal Social Security System. (See 40 ILCS Sec. 5/21-101 et seq.)

36-1-5 GENERAL LIABILITY. The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to purchase general liability insurance for the Village.

36-1-6 LIBRARY TAX. The maximum tax for Library purposes, *be* and the same is hereby established at a rate of .15%. (See 75 ILCS Sec. 5/3-1 and 5/34)

36-1-7 GARBAGE TAX. The maximum tax for garbage collection purposes, be and the same is hereby established at a rate of .20%. (See 65 ILCS Sec. 5/11-19-4)

36-1-8 WORKMEN'S COMPENSATION. The maximum tax for Worker's Compensation and Occupational Diseases Claims purposes, be and the same is hereby established at a rate to pay for legal services, purchase insurance, purchase claim services, pay for judgments and settlements. (See 745 ILCS Sec. 10/9-107)

36-1-9 PUBLIC PARKS TAX. The maximum tax for Public Park purposes, be and the same is hereby established at a rate of .075%. (See 65 ILCS Sec. 5/11-98-1)

36-1-10 STREET AND BRIDGE. The maximum tax for Street and Bridge purposes, be and the same is hereby established at a rate of .06%.

Taxation 36-2-1

- (4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are dis aggregated and separately identified from other charges;
- (5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village;
- (6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation

between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(0) charges paid by inserting coins in coin-operated telecommunications devices; or

(1) charges for telecommunications and all services and equipment provided to the Village.

(B) "Public Right-of-Way" means any municipal street, alley, water or

public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal Village property that is not specifically described in the previous sentence and shall not include Village buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

(C) "Retailer maintaining a place of business in this State", or any like

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

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collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business in the Village.

(¹) "Wireless telecommunications" includes cellular mobile services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. §331(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

36-2-2

(A) Every telecommunications provider as defined by this Article shall register with the Village within **thirty (30) days** after the effective date of this Article or becoming a telecommunications provider, whichever is later, on a form to be provided by the Village, provided, however, that any telecommunications retailer that has filed a return pursuant to **Section 36-2-4(C) of this** Article shall be deemed to have registered in accordance with this Section.

(B) Every telecommunications provider who has registered with the Village pursuant to **Section 36-2-2(A)** has an affirmative duty to submit an amended registration form or current return as required by **Section 36-2-4(C)**, as the case may be, to the Village within **thirty (30) days** from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the Village.

36-2-3

(A) A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of one percent (1%) of all gross charges charged by the telecommunications retailers to service addresses within the Village for telecommunications originating or received in the Village.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this Article, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Article does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 36-2-4 of this Article.

(G) The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Article to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus five percent (5%) of the total amount of the underpayment determined in an

audit, plus any costs incurred by the Village in conducting the audit, in an amount not to exceed five percent (5%) of the total amount of the underpayment determined in an audit. Said sum shall be paid to the Village within twenty-one (21) days after the date of issuance of an invoice for the same.

(H) The Village or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Article consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to Section 36-2-2 of this Article of such regulations.

36-2-5 COMPLIANCE WITH OTHER LAWS. Nothing in this Article shall excuse any person or entity from obligations imposed under any law, including but not limited to:

(A) generally applicable taxes; and

(³) standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and

(C) Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and

(D) Compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

36-2-6 EXISTING FRANCHISES AND LICENSES. Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this Article regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

36-2-7 PENALTIES. Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the general penalty provisions of the Village Municipal Code.

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CHAPTER 37

TREE CODE

37-1-1
of Manito, Blinois.

TITLE. This Chapter shall be known and may be cited as the "Manito Tree Code"

37-1-2 **PURPOSE AND INTENT.**

(A) Purpose. It is the purpose of this Code to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within Manito, Illinois.

(B) Intent. It is the intent of the Mayor and Board of Trustees of Manito that the terms of this Code shall be construed so as to promote:

- (1) the planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the Village; and
- (2) the protection of community residents from personal injury and property damage, and the protection of Manito from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the community.

37-1-3 **DEFINITIONS.** As used within this Code, the following terms shall have the meanings set forth in this Section:

(A) Arboricultural Specifications and Standards of Practice for Manito, Illinois. (The title hereinafter, shall be "Arboricultural Specifications Manual".) A manual prepared by the Arborist pursuant to the ordinance containing regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon Village-owned property.

(B) Arborist. The Village Arborist of Manito, Illinois.

(C) Village-Owned Property. Property within the Village limits of Manito, Illinois, and;

- (1) owned by the Village in fee simple absolute or;
- (2) implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

(D) Property Owner. The record owner or contract purchaser of any parcel of land.

(B) Trees, Shrubs and Other Plants. All vegetation, woody or otherwise, except lawn grass and flowers less than **twenty-four (24) inches** in height.

- (c) allocation of funds to the Arbor Division, and expenditures of funds by the Arbor Division;
- (a) establishment of educational and informational programs;

- (a) development of policies and procedures regarding the Arborist's duties; and/or
- (b) issuance of permits required by this Code;
- (3) The Tree Commission, upon the request of any person who disagrees with the decision of the Arborist, shall hear all issues of the disputes which arise between the Village Arborist and any such person whenever those issues involve matters or the interpretation or enforcement of the Arboricultural Specifications Manual, the Urban Forest Plan, or of the interpretation or enforcement of this Code, including disputes regarding the issuance of permits or the abatement of nuisances. The decision of a majority of the appointed members of the Tree Commission with regard to such dispute shall be binding upon the Arborist. Nothing in this Section shall be construed to limit the jurisdiction of any Court of Law with respect to such disputes.

37-1-5 **VILLAGE ARBORIST; ESTABLISHMENT; DUTIES.**

(A) Establishment. The position of the Arborist is hereby established.

(B) Duties. The Arborist shall perform the following duties:

- (1) The Arborist, with the assistance of the Tree Commission, shall develop and each subsequent year, update the Urban Forestry Plan. The Plan shall outline urban forestry program activities for a minimum of the next **five (5) years**. This plan shall describe the urban forestry activities to be undertaken by the Village, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the alternatives available to the Village to fund or accomplish the activity, the projected date of completion, and the consequences if the activity is not completed. Activities may include but are not limited to street tree inventory, planting, tree removal, beautification projects and educational projects.
- (2) The Arborist with the assistance of the Tree Commission shall develop and periodically review and revise, as necessary, the Arboricultural Specifications Manual. This manual shall contain regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon Village owned property.
- (3) The Arborist shall cause the Urban Forestry Plan and the Arboricultural Specifications Manual and all revisions and amendments to it, to be published and promulgated and shall

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- (d) the Arborist may take steps to correct the results of the non complying work and the reasonable costs of such steps shall be charged to the permit applicant.
- (8) The Arborist shall establish a program of public information and education that will encourage the planting, maintenance, or removal of trees, shrubs and other plants on private property in furtherance of the goals of the Urban Forestry Plan.

374-6 **PERMITS.**

(A) Scope of Requirement. No person except the Arborist, an agent of the

Arborist, public utility company or a contractor hired by the Arborist may perform any of the following acts without first obtaining from the Arborist a permit for which no fee shall be charged, and nothing in this Section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

- (1) plant trees or shrubs on Village owned property or treat, prune, remove or otherwise disturb any tree, shrub or other plant located on Village owned property, except that this provision shall not be construed to prohibit owners of property adjacent to Village owned property from watering or fertilizing, without a permit, any tree, shrub or other plant located on such Village owned property;
- (2) trim, prune or remove any tree or portions thereof if such tree or portions thereof reasonably may be expected to fall on Village owned property and thereby to cause damage to persons or property;
- (3) place on Village owned property, either above or below ground level, a container for trees, shrubs or other plants;
- (4) damage, cut, tap, carve, or transplant any tree, shrub, or other plant located on Village owned property;
- (5) attach any rope, wire, nail, sign, poster or any other manmade object to any tree, shrub or other plant located on Village owned property;
- (6) dig a tunnel or trench on Village owned property;

(B) **Issuance.** Within seven (7) **days** of receipt of the application, the Arborist shall issue a permit to perform within **thirty (30) days** of the day of issuance of any of the acts specified in parts (A) and (B), immediately above, for which a permit is requested whenever;

- (1) such acts would result in the abatement of a public nuisance;
- (2) such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with any regulations or standards of the Arboricultural Specifications Manual; and whenever;

- (1) any dead or dying tree, shrub, or other plant, whether located on Village owned property or on private property;
- (2) any otherwise healthy tree, shrub or other plant, whether located on Village owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;
- (3) any tree, shrub or other plant or portion thereof, whether located on Village owned property or on private property, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;
- (4) any tree, shrub or other plant or portion thereof whether located on Village owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on Village property.
- (5) any tree, shrub or other plant or portion thereof whether located on Village owned property or on private

property which dangerously obstructs the view as such may be determined by the City Engineer pursuant to Code.

(B) Right to Inspect. The officers, agents, servants and employees, of the Village have 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.

(C) Abatement. The following are the prescribed means of abating public nuisances under this Code:

(1) Any public nuisance under this Code which is located on Village owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

(2) Any public nuisance under this Code which is located on private owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied.

(a) the Arborist shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year;

(b) such notice shall describe the kind of tree, shrub or other nuisance, its location on the property and the reason for declaring it a nuisance;

(c) such notice shall describe by legal description or by common description the premises;

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DIVISION II

USE OF PUBLIC SE

REQUIRED

38-5 DEPOSIT OF WASTES. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or any other area under the jurisdiction of the Village, any waste or any nature or animal excrement, garbage or other objects considered by the Village Board to be waste.

38-5-7 CONNECTION TO WASTE SYSTEM. Any buildings or properties used for human occupancy within the Village and abutting on any structure in the future to be located to any public building in the Village shall pay the expense to install suitable toilet facilities connected to the public sewer a.

38-5-8 RESERVED

polluted wa , e c provisions of this or

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be unlawful to co intended or used for

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WAGE IN NATURAL 0 Village, or in area under the treatment plant.

ET. It shall be unlawful to exercise jurisdiction of the Village, any sewage or other services been provided in accordance with subsequent

TE SYSTEM

to maintain any disposal of sewage.

UNLAWFUL. Except as herein provided, no person shall use, or cause to be used, any privy vault, septic tank, cesspool, or other facility.

any, right-of-way in which there is no sewer of any kind, or any other facility, shall be used for any purpose, except for the purpose of connecting to the sewer system of this County, within ninety days after the date of the adoption of this Code.

• If the houses, lots situated located or may be required at this time with the proper) days after date of record feet (200') of the lot where determined to be

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ARTICLE II- RATES AND REGULATIONS

38-2-1

CONTRACT FOR UTILITY SERVICES.

(A) Customer Accepts Service. The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewer system and every person, company or corporation, hereinafter called a "customer" who accepts and uses Village water and sewer services shall be held to have consented to be bound thereby.

(B) Not Liable for Interrupted Service. The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefor.

(A) Using Services Without Paving. Any person using utility services from the Village without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(A) Destroying Property. Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewer system, or erecting signs

on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.

(B) Service Obtained By Fraud. All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name Attempts to obtain service by the *use* of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account.

(C) Failure to Receive Bill. Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

((LI) Request to Discontinue Service. Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the Village prior to the first day of the new billing month in which the services are to be discontinued.

(¹¹) Billing; Utility Shut-off; Hearing.

(1) All bills for utility services shall be due and payable upon presentation.

If a bill is not paid by the **tenth (10th) day** of the month, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services.

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The failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein.

(7) Foreclosure of Lien. Property subject to a lien for unpaid utility charges may be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the Village.

The Village Attorney is hereby authorized to institute such proceedings in the name of the Village in any Court having jurisdiction over such matters against any property for which the bill for utility services has remained unpaid **ninety (90) days** after it has been rendered.

38-2-2 CONSUMER LISTS. It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

38-2-3 LIABILITY FOR CHARGES. The owner of any lot, parcel of land or premises and the

user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the Village only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the Village.

38-2-4 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate *and* the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-5 **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and Village Board reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-6 **UTILITY DEPOSITS.**
(A) **Property Owner.** A Utility deposit of **Fifty Dollars (\$50.00)** shall be paid to the Clerk by any applicant who is not the record owner of the property, before any water will be turned on to any premises. The deposit shall be retained by the Village until the user discontinues water use from the Village at which time the deposit will be returned to the user, provided however, that said user shall have a good payment record, making all monthly payments timely.

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ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 **APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM.** An applicant desiring a water tap or service connection with the Waterworks System of the Village shall file a written application at the Village Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. (See **Section 38-4-1** for Fees.)

38-3-2 **ALL SERVICE TO BE BY METER.** All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water and Sewer Committee. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

38-3-3 INSPECTION.

(A) Access to Premises. The Village shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the Village. The Village shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the Village or the supply or fixtures of other consumers.

(A) Meters to be Open to Inspection. MI water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the Village shall be open to the inspection of the proper officers and employees of the Village at all reasonable hours.

38-3-4 **METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the Village for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-5 **DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present Village Waterworks System and all use or service of the system shall be upon the express

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(B) The Village shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the Village Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the Village Limits owned by the Village shall be maintained in as good order as reasonably possible, but the Village will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the Village may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

(D) The Forman Fire Protection District shall pay an annual rent of **Four Hundred Fifty Dollars (\$450.00)** for the water usage to the Village.

38-3-11 LIMITED WATER USAGE IN EMERGENCIES.

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the Village water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

- (1) the washing of cars *and* other vehicles;
- (2) the sprinkling of lawns and shrubbery;
- (3) the watering of gardens;

(4) **other nonessential** uses;
and **it shall** be unlawful for any person to so use water from the Village supply during such an emergency.

38-3-12 **SHORTAGE AND PURITY OF SUPPLY.** The Village shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or Village 's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-13 **NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the Village shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the Village shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the Village will not discontinue service for violation of any rule until **five (5) days after notice** has been given and the violation has not been remedied.

38-3-14 **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the Village and allow for the construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Village Board.

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Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the Village will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any Village street improvements, the Village will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

The Village expressly stipulates with all its consumers and other persons that it will not insure or be responsible or liable in any manner for any losses, or damages, direct or resultant by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the Village.

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violation of the provisions of this Article is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the Village Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Inspector is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Inspector or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) The public water supply, the Inspector or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-26 **CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

(Ord. No. 446; 10-05-87)

38-3-27 - 38-3-30 RESERVED.

"Auxiliary Water System" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

"Backflow" means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

"Backflow Prevention Device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

"Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

"Consumer's Water System" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

"Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

"Cross-Connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

"Direct Cross-Connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

"Indirect Cross-Connection" means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

"Double Check Valve Assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

"Health Hazard" means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

"Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admin. Code 890.

"Reduced Pressure Principle Backflow Prevention Device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

"System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used Water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-35 WATER SYSTEM.

- (A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.
- (B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.
- (C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
- (D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.
- (E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-36 CROSS-CONNECTION PROHIBITED.

- (A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when

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1. date of each test;
2. name and approval number of person performing the test;
3. test results;
4. repairs or servicing required;
5. repairs and date completed; and
6. servicing performed and date completed.

38-3-38**WHERE PROTECTION IS REQUIRED.**

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 M. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and the source is approved by the Minois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent of Water, are not correctable or intricate plumbing arrangements make it impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

38-3-41

INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.

(3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or -visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) date of each test or visual inspection;

(2) name and approval number of person performing the test or visual inspection;

(3) test results;

(4) repairs or servicing required;

(5) repairs and date completed; and

(6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section 38-3-41(A).

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-42

BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

DIVISION IV - EXTENSION OF MAINS

38-3-53

DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION. The Village Board

shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the Village may install and pay the cost of the extension at the discretion of the Village Board. If the Village elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the Village Board. The Village shall not pay for any extensions to an

undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. (See Chapter 34 for Design Requirements.)

38-3-54 **EASEMENTS.** Applicants for main extensions shall deliver, without cost to the Village, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The Village shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

38-3-55 **SIZE AND TYPE.** The Village reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The Village further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the Village will pay the difference in cost.

38-3-56 **TITLE.** Title to all main extensions shall be vested in the Village and the Village shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the Village reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the Village will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

38-3-57 **MAINTENANCE AND REPLACEMENT.** The Village, at its own expense, shall maintain and when necessary, replace the Village -owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the Village at its expense.

38-44 **NOTICE OF RATES.** A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the water and sewer systems of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

38-4-5 **ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents,

38-4-6 **APPEALS.** The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within fifteen (15) days of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within ninety (90) days after notification of a formal written appeal outlining the discrepancies.

RESERVED.

- (1) A one (1) inch corporation cock tapped into the water main.
 - (2) A one (1) inch house service from the water main to the property line.
 - (3) A meter pit, meter and shut-off valve.
 - (0) Street Repair
- (Ord. No 411; 10-02-78)

(13) Applicants. Applicants for water service either inside or outside the Village shall pay a charge of Seven Hundred Fifty (\$750). All labor and materials such as connecting pipes, meter vaults and covers, valves, and connections shall be paid by the applicant.

(C) Illinois Plumbing Code: All water tap and service connections made to the mains of the Waterworks System of the Village shall conform to the regulations of this Code and of the Illinois Plumbing code. All connections and installations shall be made by the Village's water and sewer department.

(A) Maintenance of Water Lines. The Village shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the Village. The Village shall limit its responsibility to maintaining water lines to the water main and to the service lines up to the meter. The property owner shall be responsible for the service line from the meter into the premises served.

38-4-11 UTILITY RATES. There shall be established the following rates and charges for the use of the water and sewer systems of the Village, based upon the amount of water consumed as follows:

(A)	<u>RATES</u>	
First	2000 gallons per month	\$21.00 MINIMUM CHARGE
Over	2,000 gallons per month	\$4.00 per 1,000 gallons

38-4-12 REQUESTED SHUT-OFF. If a user requests water to be shut off, there will be a Twenty-Five (\$25.00) fee to have the water turned on again.

38-4-13 — 38-4-30 RESERVED

34-4-32 MEASUREMENT OF **FLOW**. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons**.

(A) If the person discharging wastes into the public sewer procures any part, or all of his water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewer, the person shall install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the Volume of water discharged may be required by the Approving Authority if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed and maintained by the person and owned by the Village. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village.

38-4-33 DELETED

38-4-34 COMPUTATION OF WASTEWATER SERVICE CHARGE. The sewer service charge shall be computed by the following formula:

$$CW=CC+CD+CM+ (Vu-X) CU +$$

Where	=	Amount of waste service charge (S) per bill period.
	=	Capital Improvement Charge
	=	Debt Service Charge
	=	Minimum charge or operation, Maintenance and Replacement

DIVISION HI

WASTEWATER SERVICE CHARGES

38-4-31 **BASIS FOR WASTEWATER SERVICE CHARGES.** The sewer service charge for the use of and for service supplied by the sewer facilities of the Village shall consist of a basic user charge, applicable surcharges, and debt service charge.

(A) The debt service charge is computed by dividing the annual debt service of all

outstanding bonds by the number of users.

(³) The basic user charge shall be based on water usage as recorded by water meters for wastes having the following normal domestic concentrations:

(1) A five (5) day twenty degree centigrade (20°C) biochemical oxygen demand BOD of 200 mg/l).

(2) A suspended solids (SS) content of 250 mg/l.

(C) It shall be computed as follows:

(1) Estimate sewer volume, pounds of SS and pounds of BOD to be treated.

(2) Estimate the projected annual revenue required to operate and maintain the sewer facilities including a replacement fund for the year, for all work categories.

(3) Proportion the estimated operation, maintenance and replacement (OM&R) costs to each user class by volume, BOD, and SS.

(4) Proportion the estimated operation, maintenance and replacement (OM&R) costs to sewer facility categories by Volume, Suspended Solids and BOD.

(5) Compute costs per 1000 gal. for normal sewage strength.

(6) Compute surcharge costs per pound per 1000 gal. in excess of normal sewage strength for BOD and SS.

(D) A surcharge will be levied to all users whose waste waters exceed the normal domestic concentrations of **BOD 200 mg/l and SS 225 mg/l**. The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the **200 mg/l and 225 mg/l** concentration for BOD and SS respectively. (Section 38-4-34 specifies the procedure to compute a surcharge.)

(E) The adequacy of the sewer service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The sewer service charge shall be revised periodically to reflect a change in operation and maintenance costs, replacement costs and reserve fund costs.

(F) The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per 1,000 gallons.

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

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Utilities 38-4-10

34-4-32 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons**.

(A) If the person discharging wastes into the public sewer procures any part, or all of his water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewer, the person shall install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the Volume of water discharged may be required by the Approving Authority if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed and maintained by the person and owned by the Village. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village.

38-4-33 **DELETED**

38-4-34 **COMPUTATION OF WASTEWATER SERVICE CHARGE.** The sewer service charge shall be computed by the following formula:

$$CW=CC+CD+CM+ (Vu-X) CU + CS$$

Where	CW =	Amount of waste service charge (\$) per bill period.
CC	=	Capital Improvement Charge
CD	=	Debt Service Charge
CM	=	Minimum charge or operation, Maintenance and Replacement

Vu	=	Sewer Volume for the billing period.
X	=	Allowable consumption in gallons for the minimum charge.
CU	..,	Basic User Rate for Operation, Maintenance and Replacement.
CS	=	Surcharge, if applicable. (Section 38-4-31).

38-4-35 **SURCHARGE RATE.** The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD:	<u>\$0.26</u> in excess of 200 mg/l
per lb. of SS:	<u>\$0.39</u> in excess of 225 mg/l

38-4-36 **SEWER TAP-IN FEE.** Any premise connected to the sewer system, a charge of **Two Hundred Fifty Dollars (\$250.00)** shall be made for such connection. However, if no riser exists and main line has to be tapped, the customer shall be liable for all expenses, including labor and materials. Whenever any premises shall hereafter be connected to the system for any purpose, and in order to make the connection, it requires the crossing of a State, County, or Township road, a minimum additional charge of **Three Hundred Dollars (\$300.00)** or actual cost of labor and materials, whichever sum is greater, shall be made for such connection.

- (B) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (C) "Combined Sewer" shall mean a sewer which is designed and intended to receive sewer, storm, surface and groundwater drainage.
- (D) "Easement" shall mean an acquired legal right for the specific use of land owned by other.
- (E) "Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewer within or outside the Village boundaries that **serve one (1)** or more persons and ultimately discharge into the Village sanitary sewer or combined sewer system, even though those sewer may not have been constructed with Village funds.
- (A) "Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.
- (A) "Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storms, surface and groundwater drainage.
- (1) "Sewer" shall mean the system of sewer and appurtenances for the collection,

transportation and pumping of sewage.

"Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(J) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the sewer.

"TREATMENT":

(A) **"Pretreatment"** shall mean the treatment of sewer from sources before introduction into the sewer treatment works.

(B) **"Sewer Treatment Works"** shall mean an arrangement of devices and structures for treating sewer, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "sewer treatment plant" or "pollution control plant".

"TYPES OF CHARGES":

(A) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public sewer system.

(A) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(A) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(B) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(C) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(D) **"Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the sewer system.

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(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from sewer by treatment in an approved pretreatment facility. A sewer shall be considered free of floatable fat if it is properly pretreated and the sewer does not interfere with the collection system.

(D) **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(E) **"Industrial Waste"** shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(F) **"Major Contributing Industry"** shall mean an industrial user the publicly owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average work day; or
- (2) Has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or
- (3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or

(4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(G) **"Milligrams per Liter"** (mg/l) shall mean a unit of the concentration of water or sewer constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and sewer analysis.

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

(I) **"Population Equivalent"** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(J) **"ppm"** shall mean parts per million by weight.

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than **one half inch (1/2") (1.27 centimeters)** in any dimension.

(L) **"Sewage"** is used interchangeably with "sewer".

(M) **"Slue"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than **fifteen (15) minutes more than five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

(N) **"Suspended Solids"** (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.

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DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-5-4 **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

38-5-5 **SEWAGE IN NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the Village, or in an area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

38-5-6 **PRIVATE SYSTEM, UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the

disposal of sewage.

38-5-7 **CONNECTION TO SYSTEM REQUIRED.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper

- public sewer in accordance with the provisions of this Code, within **ninety (90) days** after the date of official notice to do so, provided that said public sewer is within **two hundred feet (200')** of the nearest property line and adequate to handle the additional connection, where determined to be required.

38-5-8 - 38-5-9

RESERVED.

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38-5-16 ADDITIONAL RESTRICTIONS. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

38-5-17 TIME CONSTRAINTS FOR PUBLIC SEWER. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-5-18 - 38-5-20

RESERVED.

38-5-27 **CONSTRUCTION METHODS.** The size, slope, depth and alignment of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four inches (4")**. If a six **inch (6") diameter pipe** is used, the slope shall not be less than **one-eighth (1/8") inch** per foot. If a four **inch (4") or five inch (5") diameter pipe** is used, the slope shall not be less than one-fourth (**1/4") inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewer shall be constructed of materials approved by the Village. Generally all building sewer shall be constructed of the following materials:

- (A) Cast or ductile iron pipe
- (B) ABS solid wall plastic pipe (6" diameter maximum)
- (C) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

All pipe joints must be gaslight and watertight and are subject to the approval of the Village. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

38-5-28 **PLUMBING CODE REQUIREMENTS.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois** shall apply.

38-5-29 **ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 38-5-22 and discharged to the building sewer.

38-5-30 **PROHIBITED CONNECTIONS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

38-5-31 **CONNECTIONS TO SEWER MAINS.** Building Sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the Village, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the

38-5-45 **INSPECTIONS OF CONSTRUCTION.** Construction of the sewer shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the Village before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewer shall be subjected to:

- (A) A lamp test which shall provide that from one manhole to another, at least **one-half (1/2)** of the pipe end area shall be visible.
- (B) Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;
- (C) Under special circumstances, when approved by the Village, air pressure testing with allowance to be specified by the Village.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the Village 's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the Village.

38-5-46 **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

38-5-47 - 38-5-48 **RESERVED.**

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **One Hundred (100) mg/I** or containing substances which may solidify or become viscous at temperatures between **Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (0 and 65°C).**

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower (0.76 hp metric)** or greater shall be subject to the review and approval of the Village.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.

(F) Any waters or wastes containing phenols or otherS waste odor-producing substances, in such concentration exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of **0.0005 mg/I as Hq** at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

(¹) Materials which exert or cause:

(1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) unusual **BOD**, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) Any waters or wastes having a pH in excess of 9.5.

(L) Any cyanide in excess of 0.025 mg/1 at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

38-5-53 **HARMFUL WASTES. APPROVAL.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in **Section 38-5-52** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of

38-5-57 **INDUSTRIAL WASTE TESTING.**

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall

provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

(³) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the sewer discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-5-58 MEASUREMENTS AND TESTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

38-5-59 SPECIAL ARRANGEMENTS. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. (See Article IV - Division III of this Code)

38-5-60 - 38-5-64 RESERVED.

DIVISION VIII- PENALTIES

38-5-71 PENALTY. Any person found to be violating any provision of this Code except Section 38-5-65 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable

The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

38-5-72 CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-50** shall be, upon conviction, be fined in the amount not exceeding Seven **Hundred Fifty Dollars** (\$750.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-5-73 **LIABILITY TO VILLAGE.** Any person violating any of the provisions of this Chapter shall become liable to the Village by reason of such violation.

VILLAGE OF MANITO

UTILITY SHUTOFF HEARING NOTICE

This notice is being sent to you pursuant to the provisions of **CHAPTER 38 OF THE REVISED CODE OF ORDINANCES** as adopted by the corporate authorities.

CUSTOMER'S NAME:

ADDRESS:

TOTAL AMOUNT OF BILL: \$

WATER

SEWER

OTHER

SUB-TOTAL: \$

PENALTY: \$

TOTAL DUE: \$

DATE OF HEARING

TIME OF HEARING

LOCATION OF HEARING

PHONE:

If the consumer/customer fails to appear at the hearing, the applicable utility services shall be **terminated** [shut off] without further proceedings.

If payment for the charges and fees is received prior to the date of the hearing, you may disregard this hearing notice.

The Mayor and Village Clerk, or their designated representative(s), shall preside at the hearing.

UTILITY CLERK

DATED THIS

DAY OF

NOTE:

After services have been shut off there will be a reconnection fee of \$250.00.

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CHAPTER40

ZONING CODE

ARTICLE I - TITLE

40-1-1 TITLE. This Code shall be known, cited and referred to as the **Zoning Code of the Village of Manito.**

ARTICLE II - INTENT AND PURPOSE

40-2-1 **PURPOSE.** This Code is adopted for the purpose of:

- (A) Promoting and protecting the public health, safety, comfort, convenience, prosperity, morals and general welfare of the people.
- (B) Securing adequate light, pure air and safety from fire and other dangers.
- (C) Conserving the taxable value of bnd and buildings throughout the Village.

40-2-2 **STANDARDS AND OBJECTIVES.** To these ends, this Code is designed to set up and accomplish certain standards and objectives by:

(A) Organizing the Village into districts regulating the location, construction, reconstruction, alteration and use of any buildings, structures or land, whether for residence, office, business, manufacturing or other specific uses.

(B) Regulating and limiting the height and bulk of buildings and other structures.

(C) Establishing, regulating and limiting the building or setback lines along streets, alleys or property lines.

(D) Regulating and limiting the intensity of the use of the lot area and determining the area of open spaces within and surrounding such buildings.

(E) Providing for certain conditions & permitted uses.

(F) Regulating the size, type and location of signs.

(G) Requiring accessory off-street parking and loading facilities.

(H) Defining and limiting the powers and duties of the administrative officers and bodies as provided herein.

(I) Providing for the change and amendment of such regulations and boundaries of the respective districts.

(J) Prescribing penalties for the violation of the provisions of this Code or any amendment thereto.

*Revised Code***ARTICLE III - RULES FOR CONSTRUCTION AND DEFINITIONS**

40-3-1 **RULES.** The language set forth in the text of this Code shall be interpreted in accordance with the following rules for construction:

- (A) The singular number indicates the plural and the plural, the singular.
- (B) The present tense includes the past and future tenses and the future, the present.
- (C) The word "shall" is mandatory, while the word "may" is permissive.
- (D) The masculine gender includes the feminine and neuter.
- (E) All measured distances shall be to the nearest integral foot. If the fraction is **one-half (1/2)** or less, the integral foot next below shall be taken.
- (F) Whenever a word, a phrase or a term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the definition thereof. The word "lot" shall include the words "piece" and "parcel"; the word "building" shall include all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "intended for", "maintained for", "designated for", and "occupied for". Synonyms, in common usage, of certain words, phrases or terms are shown parenthetically.

40-3-2 **DEFINITIONS.** The following words, phrases and terms, wherever they occur in this Code shall be interpreted as herein defined:

Accessory Building or Use: An "accessory building or use" is one which:

- (A) is incidental and subordinate to and serves a principal building or principal use;
- (B) is incidental and subordinate in area, extent or purpose to the principal building or principal use served;
- (C) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (D) is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

An "accessory use" includes, but is not limited to, the following:

- (A) A children's playhouse, garden house and private greenhouse;
- (B) A shed that is mobile or fixed, garage or building that is mobile or fixed for domestic storage;
- (C) Incinerators incidental to residential use;
- (D) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by other regulations;
- (E) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by other regulations;

- (F) Swimming pools, private for use by the occupant and guest;
 - (G) Carports; .
 - (H) Public utility facilities - telephone, electric, gas, water lines, sewer lines, cable television, cellular phone, and telecommunications, their support and incidental fences, walls, protective equipment.
- (Ord. No. 97-4; 06-02-97)**

Agriculture: Land, including necessary buildings and structures which shall be used for agriculture, including, but not limited to, farming, dairying, pasturage, floriculture, viticulture and animal and poultry husbandry, as well as the necessary accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities, and providing further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley: A public way with a width not exceeding twenty (20) feet in right-of-way used primarily as a service access to the rear or side of a property which abuts on a street.

Automotive Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. Uses permissible at an automotive service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automotive service stations. An automotive service station is not a repair garage, nor a body shop.

Basement: A portion of a building located partly underground, but having less than **one-half (1/2)** of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Buildable Area: The specified portion of a lot immediately in back of the front yard setback.

Building: Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

Building, Accessory: A subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building.

Building, Detached: A building surrounded by open space on the same lot.

Building, Principal: A non-accessory building in which the principal use of the lot on which it is located is conducted.

Bulk: The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:

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(A)	Size and height of buildings;
(B)	Location of exterior walls at all levels in relation to lot lines, street, or to other buildings;
(C)	Gross floor area of buildings in relation to lot area (floor area ratio); All open spaces allocated to buildings;
(D)	
(E)	Amount of lot area provided per dwelling unit. •

Cellar: The portion of a building located partly or wholly underground, and having **one-half (1/2)** or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Club or Lodge, Private: A non-profit association of persons who are bona fide members paying dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Curb Level: The level of the established curb in front of a building or structure, measured at the base of the curb.

District: A section or part of the incorporated or unincorporated portion of the Village for which the use regulations are uniform.

Drive-In Establishment: An establishment which accommodates patrons' automobiles on the immediate premises allowing service to the patrons in their automobiles and/or self-service by the patrons.

Dwelling: A residential building, or portion thereof, but not including hotels, motels, rest homes, rooming houses, tourist homes or trailers.

Dwelling Unit: One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. Dwelling units are intended for use exclusively as living quarters for **one (1) family** and not more than an aggregate of **two (2) roomers**.

Dwelling, Single-Family: A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

Dwelling, Two-Family (Duplex): A residential building containing two (2) dwelling units including detached and semi-detached and attached dwelling units, designed for and occupied by two (2) families.

Dwelling. Multiple-Family (Apartment): A detached residential building designed for and occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Family: One (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) **persons** not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

Floor Area. Gross: For the purpose of determining floor/area ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings; measured from the exterior faces of the exterior walls or from the centerline of party walls separating **two (2) buildings**. In particular, "gross floor area" shall include:

- (A) basement space, if at least **one-half (1/2)** of the basement story height is above the established curb level.
- (B) Elevator shafts and stairwells at each floor.
- (C) Floor space used for mechanical equipment where the structural headroom exceeds **seven and one-half (7 ½) feet**; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks and cooling towers.
- (D) Attic floor space where the structural headroom exceeds **seven and one-half (7 ½) feet**.
- (E) Interior balconies and mezzanines.
- (F) Enclosed porches, but not terraces and breezeways.

Floor Area Ratio: The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

Garage. Public: Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

Home Occupation: An occupation conducted in a dwelling unit, provided that:

- (A) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than **twenty-five percent (25%)** of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (C) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than **one (1) square foot** in area, non-illuminated, and mounted flat against the wall of the principal building;
- (D) No home occupation shall be conducted in any accessory building;
- (E) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

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(F) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Junk Yard: An open area or fenced-in enclosure where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.

Landowner: A landowner shall mean the legal or beneficial owner or owners of all of the land within the area encompassed by this Code or any amendment thereto. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purpose of this Zoning Code.

Loading, Off-Street: A space, accessible from a street, alley or way, in a building or on a lot for the use of trucks while loading or unloading merchandise or materials.

Lodging: A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as **one (1)** lodging room.

Lot: For the purposes of this Code, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (A) A single lot of record;
- (B) A portion of a lot of record;
- (C) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- (D) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Code.

Lot Area: The area of a horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

Lot, Comer: A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five degrees (135°) or less.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot Line: A property boundary line of any lot held in a single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, Reversed: A lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five degrees (135°)) to the general pattern in the area.

Lot, Through: A lot defined as a lot other than a corner lot with frontage on more than **one (1) street**. Through lots abutting **two (2) streets** may be referred to as double frontage lots.

Lot Width: Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than **eighty percent (80%)** of the required lot width, except in the case of lots on the turning circle of cul-de-sac, where the **eighty percent (80%)** requirements shall not apply.

Motel: A building containing lodging rooms having adjoining individual bathrooms, where each lodging room has a doorway opening directly to the outdoors; and where more than **fifty percent (50%)** of the lodging rooms are for rent to transient tourists for a continuous period of less than **thirty (30) days**.

Motor Freight Tenninal: A building or premises in which freight is received if dispatched by motor vehicle.

Plan Commission: The Village Planning Commission.

Public Service Area: An area including such uses as fire and police stations, telephone exchanges, radio and television transmitting and relay stations and towers, filter plants and pumping stations and similar uses.

Refuse: All waste products resulting from human habitation, except sewage.

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Rest Home (Nursing Home): A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for treatment of disease or injury, nor does it include maternity care or mental illness or infirmities.

Rooming House (Tourist Home): A building, or portion thereof, containing lodging rooms which accommodate **three (3)** or more persons who are not members of the keeper's family, and where lodging rooms, or meals, or both, are provided for compensation.

Sanitary Landfill: A method of disposing of refuse by spreading and covering with earth to a depth of two (2) feet on the top surface and one (1) foot on the sides of the bank.

Satellite Reception Antenna: A device not permanently attached to a building for the reception of communication or other signals from orbiting satellites. (Ord. No. 438; 06-03-85)

Setback. Front Yard: The minimum horizontal distance permitted between the front line or side line of the building and nearest the street line, disregarding steps and unroofed porches.

Sign: A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

However, a sign shall not include any display of official court or public office notices, nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

Sign. Advertising: A sign which directs attention to a business, commodity, service, or entertainment not necessarily sold upon the premises where such sign is located, or to which it is affixed. A double face or "V" type sign, erected on a single supporting structure where the interior angle does not exceed **one hundred thirty-five degrees (135°)** shall, for the purpose of computing square foot area be considered and measured as a single-face sign.

Sign. Business: A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located, or to which it is affixed.

Sign. Flashing: Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Code, any moving, illuminated sign shall be considered a flashing sign.

Sign. Gross Surface Area Of: The entire area within a single, continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of

such sign and not forming an integral part of the display.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story for the purposes of this Code.

Street (Avenue, Drive, Place, Road, Terrace, Parkway, Boulevard, or Court): A right-of-way of a required width, which affords a primary means of access to abutting property.

Street Line: The dividing line between a lot and a contiguous street.

Structural Alterations: Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

Structure: Anything erected, the use of which requires a fixed location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising medium detached or projecting shall be construed to be a structure.

Tourist Home: A building which contains a single dwelling unit and in which meals or lodging or both are provided to transient guests for compensation.

Trailer (Mobile Home): A trailer is any vehicle or similar portable structure originally constructed with wheels, whether or not the wheels are still contained thereon, and designed and constructed to permit occupancy for dwelling or sleeping purposes.

Use: The purpose or activity for which land, or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Yard: An open space on a lot which is unoccupied and unobstructed by building structures from ground level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, Front: A yard extending into a lot the required minimum distance from every point on the street line or lines. A corner lot or a through lot has a front yard or yards extending from all its street lines. **(Ord. No. 473; 09-04-90)**

Yard, Rear: A yard extending into a lot the required minimum distance from every point on the lot line opposite the street line; provided, however, that there shall be no rear yards established for corner and through lots. **(Ord. No. 472; 09-04-90)**

Yard, Side: A yard or yards established only after a front yard or yards and a rear yard, if any, have been established, and extending into a lot the required minimum distance or depth from every point on all lot lines not included in front or rear yards; provided, however, that side yards shall not include any part of a front yard or rear yard. **(Ord. No. 472; 09-04-90)**

Zoning Board: The Village Zoning Board of Appeals.

ARTICLE IV - GENERAL PROVISIONS

40-4-1 **ALLOWABLE USE OF LAND OR BUILDINGS.** The following uses of land or buildings listed below are allowed in the district indicated hereinafter in **Article V** under the conditions specified in this Code.

- (A) Uses lawfully established on the effective date of this Code.
- (B) Permitted uses as designated in **Article V**.
- (C) Special uses as designated in **Article V**.

40-4-2 **CONTROL OVER USE.** In all districts, after the effective date of this Code, and subject to the provisions as set out in **Article VI** on Non-Conforming Uses.

- (A) Any tract of land may be used;
- (B) Any lawfully existing or new building or other structure may be used, relocated, enlarged, converted, extended, reconstructed or altered, within the limits set forth below; and
- (C) The use of any lawfully established existing building or other structure, or tract of land may be continued, changed, extended or enlarged for any use allowed by the regulations for the district in which such building or other structure, or tract of land is located, and for no other purpose, and shall conform to all other regulations set forth in the regulations for that district, and to all other applicable regulations of this Code;
- (D) Except for the limited use provided for in "C" District regulations, and subparagraphs (E) and (F) below, no mobile home shall be placed upon any tract of land covered by this Code;
- (E) Any mobile home now located on any lot within the area being zoned may be replaced with a mobile home within **three (3) months** from removal of the previous mobile home. This Section takes precedence over any provision to the contrary;
- (F) Any recreational camper or motorhome may be stored on the premises being occupied by its owner, but such recreational camper or motorhome may not be used for residential purposes.

40-4-3 **CONTROL OVER BULK.** All new buildings shall conform to the regulations established herein for the district in which each building is located. Further, no existing buildings shall be enlarged, reconstructed, structurally altered, converted or relocated in such manner as to conflict, or further conflict with the bulk regulations of this Code for the district in which such building shall be located.

40-4-4 **ACCESSORY BUILDINGS, STRUCTURES, AND USES.** Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.

40-4-5 YARDS, GENERAL.

(A) All yards and other open spaces allocated to a building (or group of buildings comprising **one (1)** principal use) shall be located on the same lot or lots as such building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space or minimum lot area requirements for any other building.

(B) No improved lot shall hereafter be divided into **two (2)** or more lots and no portion of any improved lot shall be sold, unless all improved lots resulting from each such subdivision of sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

(C) No yards, now or hereafter provided for a building existing on the effective date of this Code, shall subsequently be reduced below, or further reduced if already less than the minimum yard requirements of this Code for equivalent new construction.

(D) It is provided that the **seven (7)** feet of side yard required herein shall be measured from the lot line to the outside wall of the structure, and that no overhanging roof, eaves, or other structure shall extend more than **two and one-half (2 ½) feet** from the outside wall. **(Ord. No. 396; 01-03-77)**

40-4-6 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS. The following shall not be considered to be obstructions when located in the required yards specified:

(A) **In Any Yards.** Marquees and awnings adjoining the principal building (overhanging roof eaves); chimneys, if they do not exceed **ten percent (10%)** of the depth of the yards; and ornamental light standards, domestic television and radio antenna, flag poles, arbors, trellises, trees, shrubs, coin-operated telephones, permitted signs and outdoor fuel dispensing equipment. On corner lots, obstructions not higher than **thirty (30) inches** above curb level, if located in that portion or a required front yard or side yard situated within **twenty (20) feet** of the lot corner formed by the intersection of any **two (2)** street lines.

(B) **In Side Yards.** Open accessory off-street parking spaces, except in the side yard abutting a street.

(C) **In Rear Yards.** Enclosed, attached, or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, and any farm accessory building, or any similar structures customarily accessory to the principal use; and balconies, breezeways and open porches.

(D) **Satellite Reception Antennas.** All other provisions of this Zoning Code notwithstanding, satellite reception antennas shall not be placed in an area defined as a front yard. Regardless of the zoning district in which a satellite reception antenna is placed, it must conform to the same side and rear setback requirements as accessory buildings, and must always be at least

seven (7) feet from the lot lines. The seven (7) feet must be measured from the part of the satellite reception antenna that projects the closest to the lot line, if that point were vertically projected to the surface of the lot. (Ord. No. 438; 06-03-85)

40-4-7 PROCEDURE FOR ZONING OF TERRITORY TO BE ANNEXED OR ANNEXED TERRITORY. All land which may hereafter become a part of the Village as a result of annexation shall be classified and placed in zoning districts shall be temporarily classified "R", until it can be properly classified following the procedures for hearing and approving amendments to this Code.

40-4-8 INCORPORATION OF THE ZONING MAP AND SCHEDULE OF DISTRICT REGULATIONS. The location and boundaries of the districts established by this Code are set forth on the "Zoning District Map" and "Schedule of District Regulations", dated **May 5, 1975**, and are hereby incorporated as part of this Code. The Zoning Map and Schedule of District Regulations, including all amendments thereto shall be as much a part of this Code as if fully set forth and described herein. Said documents shall be filed with the office of the Village Clerk and shall be made available to public reference at all times during which those offices are open.

40-4-9 SEPARABILITY. It is hereby declared to be the legislative intent that if any of the provisions of this Code, or the application thereof to any lot, building or structures, or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be applicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the lot, building or other structure or tract of land immediately involved in the controversy. All other provisions of this Code shall continue to be separately and fully effective, and the application of any such provision to other persons or situations shall not be affected.

40-4-10 EXCEPTIONS.

(A) **Exceptions to Use Regulations.** The following uses are exempted by this Code and permitted by easement in any district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment for telephone or other communication and electric power, gas, water and sewer lines.

(B) **Exceptions to Height Regulations.** The height limitations of this Code shall not apply to the following structures: cooling towers, church spirals, belfries, cupolas, elevator bulkheads and domes not intended for human occupancy, monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials and necessary mechanical appurtenances.

ARTICLE V - ZONING DISTRICTS

40-5-1 **ESTABLISHMENT OF DISTRICTS.** In order to carry out the purposes and provisions of this Code, the following districts are hereby established:

- (A) Agricultural District
- (B) Residence District
- (C) Commercial District

40-5-2 **INCORPORATION OF MAPS.** The location and boundaries of districts established by this Code are shown upon the "Zoning Map, dated **May 5, 1975**" which is hereby incorporated as part of this Code.

40-5-3 **BOUNDARIES OF DISTRICTS.** When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

(A) District boundary lines are either the center lines of railroads, highways, streets, alleys or easements; and lot lines and tract lines, or such lines extended, unless otherwise indicated.

(B) Wherever a district is indicated as a strip adjacent to and paralleling a railroad, highway or street, the depth of such strips shall be in accordance with dimensions shown on the township maps measured at right angles from the centerline of a railroad, street or highway and the length of frontage shall be in accordance with dimensions shown on the map from centerlines of railroad, highway or street rights-of-way unless otherwise indicated.

(C) Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend to the entire lot, but not more than **twenty-five (25) feet** beyond the boundary line of the district.

40-5-4 **SCHEDULE OF DISTRICT REGULATIONS.** District regulations shall be as set forth in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this Code. (See Schedules "A" and "B" at the end of Chapter.)

ARTICLE VI - SUPPLEMENTARY REGULATIONS

40-6-1 OFF-STREET PARKING AND LOADING. The following regulations are established to increase safety and lessen congestion in the public streets, to adequately provide for parking needs associated with the development of land and increased automobile usage, to set standards for the requirement of off-street parking according to the amount of traffic generated by each use, and to eliminate the on-street storage of vehicles

(A) **Number of Spaces.** The following required off-street parking spaces for the particular use are minimum requirements:

Aquariums - **one (1)** per dwelling unit.

Amusement Parks - **one (1)** per each **five hundred (500) square feet** of lot area for public use.

Apartment Hotels - **one (1)** per dwelling unit.

Art Galleries - **one (1)** per **eight hundred (800) square feet** of floor area.

Auditoriums - **one (1)** per **eight (8) seats**.

Automobile Service Stations - **one (1)** per each **two (2) employees**, plus **one (1)** per owner or manager.

Boarding and Lodging Houses - **one (1)**, plus **one (1)** for each **two (2) persons** for whom living accommodations are provided.

Bowling Alleys - **five (5)** per each alley, plus **three (3)** per each **ten (10) persons** accommodated by affiliated uses.

Business Offices and Banks - **one (1)** per each five (5) **employees**, plus **one (1)** per two hundred (200) square feet of floor area for customer, client or patron use.

Business Schools - **one (1)** per each **two (2) employees**, plus **one (1)** per each **one hundred (100) square feet** of instruction space.

Churches - **one (1)** per **eight (8) seats**.

Community Centers - **three (3)** per each **ten (10) persons** accommodated.

Cultural and Civic Institutions - **one (1)** per **two (2) employees**, plus **one (1)** per each **eight hundred (800) square feet** of public area.

Dance Halls - **three (3)** per each **ten (10) persons** accommodated.

Dancing Schools - **one (1)** per each **two (2) employees**, plus **one (1)** per each **one hundred (100) square feet** of instruction space.

Dental Offices or Clinics - **one (1)** per each examination or treatment room, plus **one (1)** per doctor, plus **one (1)** per each **three (3) other employees**.

Dwelling Units - **one (1)** per dwelling unit.

Eating and Drinking Establishment - **one (1)** per each **one hundred (100) square feet** of floor area for public use.

Elementary Schools - **one (1)** per classroom.

Fraternity and Sorority Houses - **one (1)**, plus **one (1)** for each **two (2) persons** for whom living accommodations are provided.

Funeral Parlors - **one (1)** per funeral vehicle maintained on premises, plus **ten (10)** per chapel or parlor.

Gymnasiums - one (1) per eight (8) seats.

Governmental Offices - one (1) per each five (5) employees, plus one (1) per two hundred (200) square feet of floor area for customers, client or patron use.

Health Institutions Other than Hospitals or Clinics - one (1) per each four (4) beds, plus one (1) per each staff doctor, plus one (1) per each other two (2) employees.

High Schools - three (3) per classroom, plus one (1) for each member of school staff.

Hospitals - one (1) per each three (3) beds, plus one (1) per staff doctor, plus one (1) per each four (4) employees.

Hotels - one (1), plus one (1) for each two (2) persons for whom living accommodations are provided.

Junior High School - one (1) per classroom.

Libraries - one (1) per eight hundred (800) square feet of floor area.

Medical Offices or Clinics - one (1) per each examination or treatment room, plus one (1) per doctor, plus one (1) per each three (3) other employees.

Motels - one (1) per dwelling unit.

Museums - one (1) per eight hundred (800) square feet of floor area.

Music Schools - one (1) per each one hundred (100) square feet of instruction space.

Non-Business Clubs - one (1) per each three (3) members.

Nursing Homes - one (1) per each four (4) beds, plus one (1) per each staff doctor, plus one (1) per each other two (2) employees.

Private Clubs and Lodges - one (1), plus one (1) for each two (2) persons for whom living accommodations are provided.

Professional Offices - one (1) per each five (5) employees, plus one (1) per two hundred (200) square feet of floor area for customer, client or patron use.

Retail Sales - one (1) for five (5) employees and one (1) for two hundred (200) square feet devoted to the public.

Savings and Loan Associations - one (1) per each five (5) employees, plus one (1) per two hundred (200) square feet of floor area for customer, client or patron use.

Stadiums and Grandstands - one (1) per eight (8) seats.

Swimming Pools - three (3) per each ten (10) persons accommodated.

Theaters. Indoor - one (1) per each eight (8) seats up to four hundred (400), plus one (1) per each five (5) seats over four hundred (400).

Tourist Homes and Cabins - one (1) per dwelling unit.

Trade Schools - one (1) per each two (2) employees, plus one (1) per each one hundred (100) square feet of instruction space.

Transient Trailer Camps - one (1) per dwelling unit. Truck

Terminals - one (1) per two (2) employees.

Undertaking Establishment - one (1) per funeral vehicle maintained on premises, plus ten (10) per chapel or parlor.

Wholesale. Manufacturing and Industrial Plants - one (1) per four (4) employees.

Wholesale Offices - one (1) per each five (5) employees, plus one (1) per two hundred (200) square feet of floor area for customer, client or patron use.

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(B) **Calculation of Number of Spaces.** In any determination of total parking requirements, any fraction less than **one-half (1/2)** may be dropped and any fraction of **one-half (1/2)** or more shall be counted as **one (1) parking space**.

(C) **Size of Spaces.** Each parking space shall be at least one hundred eighty **(180) square feet** in area, and shall be a definitely designated stall adequate for **one (1) motor vehicle** so that both doors may be opened. Adequate access to each stall and to the street shall be provided.

(D) **Multiple Uses.** If groups of buildings contain uses which vary in their parking requirements, the number of parking spaces shall be the sum of the individual requirements for each use. However, where peak parking requirements occur at distinctly different times of the day or at different times of the week as determined by the Zoning Administrator, joint parking facilities may be shared by **two (2)** or more uses.

(E) **Development.** All parking facilities and access ways to the parking areas shall be maintained in a dust-free condition. Parking areas located between a public street and the principal building on the lot shall be paved. Any lighting shall be arranged and maintained so that it does not shine directly upon any adjacent residence or street and does not produce excessive glare. Uncovered parking spaces must be at least **three (3) feet** from any street right-of-way **line**.

(F) **Loading - Unloading Spaces.** All uses involving receipt or distribution of goods by vehicle shall have space on the premises for the pickup, delivery and service vehicles necessary for normal daily operation, these spaces shall be in addition to the above required parking spaces and shall be subject to paragraph (E) above.

40-6-2 SIGN REGULATIONS.

40-6-2.1

(A)
following:

RESIDENCE DISTRICT "R.,.

Nameplate and Identification Signs are permitted

subject to the

- (1) **Area and Content - Residential.** There shall be not more than **one (1) nameplate** unilluminated, not exceeding **one (1) square foot** in area for each dwelling unit, indicating the name and/or address of the occupant. On a corner lot, **two (2)** such nameplates for each dwelling unit - **one (1)** facing each street - shall be permitted.
- (2) **Area and Content - Non-Residential.** For non-residential buildings, a single identification sign not exceeding **nine (9) square feet** in area and indicating only the name and address of the building may be displayed. On a corner lot, **two (2) nine (9) square feet** in area signs - **one (1)** facing each street - shall be permitted. It is specifically provided that as used herein, the word "non-residential" shall not include a residence which has in it a

business of any kind, including the "home occupation". The only signs permitted in an "R" district shall be those as specifically provided in paragraph (1) above. **(Ord. No. 396; 01-03-77)**

- (3) **Projection.** No sign shall project beyond the property line into the public way.
- (4) **Height.** No sign shall project higher than **one (1) story or ten (10) feet**, whichever is lower, above the curb level.

(B) **Unilluminated "For Sale" and "For Rent" Signs** are permitted and shall not exceed **twelve (12) square feet** in area.

(C) **Unilluminated Signs Accessory to Parking Area** are permitted.

(D) **Illuminated Non-Flashing Church Bulletins and Institutional Identification Signs** are permitted and shall not exceed **eighteen (18) square feet** in area.

40-6-2.2 COMMERCIAL DISTRICT "C". Business signs and advertising devices are permitted, subject to the following conditions:

(A) **General Application.**

- (1) No sign shall be permitted within **twenty (20) feet** of any Residential District Boundary Line.
- (2) Except as provided in paragraph (F) of this Section, no free standing business or advertising sign shall be erected or located within **fifteen (15) feet** of any street or highway, within **three (3) feet** of any driveway or parking area, or within **twenty-five (25) feet** of the intersection of **two (2)** or more streets. **(Ord. No. 403; 10-03-77)**
- (3) Signs on awnings shall be exempted from the limitations imposed by this Code on the projection of signs from the face of the wall of any building or structure, provided that any sign located on an awning shall be affixed flat to the surface thereof, and shall indicate only the name and/or address of the establishment. No such sign shall extend vertically or horizontally beyond the limits of said awning. **(Ord. No. 403; 10-03-77)**

(B) **Spacing.** Advertising signs on any controlled access route must be spaced at least **three hundred (300) feet** apart on either side of the road. All advertising signs must be kept at least **five hundred (500) feet** away from an entrance or exit to a controlled access route.

(C) **Illumination.** Signs may have constant or flashing illumination, provided that any such signs that are located in the direct line of vision of any traffic control signal shall not have contrasting or flashing illuminations of red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential building, nor into a Residential District or into a street.

(D) **Area.** The gross surface area in square feet of all signs on a lot shall not exceed **ten**

(10) times the lineal feet of the frontage of such a lot. Each side of the lot that abuts upon a street may be included as separate frontage.

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(E) **Projection.** No sign shall project more than **eight (8) feet** from the face of the wall of any building or structure, nor project higher than the building height. Except as otherwise provided in paragraph (F) of this Section, free-standing sign structures shall be located not less than **fifteen (15) feet** from the lot line adjoining a street. (Ord. No. 403; 10-03-77)

(F) **Distance.** An advertiser shall have the option to erect a sign with the post of such sign no closer than five (5) feet from his property line and with the vertical edge of the sign itself not closer to the roadway than his property line. The bottom horizontal edge of any such sign erected, shall be no lower than **seven (7) feet** from the ground level measured from the elevation at the edge of the roadway. No portion of the subsection shall prohibit an advertiser if he so elects to erect a sign as otherwise provided in this Section. (Ord. No. 403; 10-03-77)

40-6-2.3 PERFORMANCE STANDARDS.

(A) **General.** Any new use established in the "C" District after the effective date of this Code shall be so operated as to comply with the performance standards governing:

- (1) noise;
- (2) vibration;
- (3) smoke and particulate matter;
- (4) toxic and noxious matter;
- (5) odorous matter;
- (6) fire and explosive hazards; and
- (7) glare and heat,

as set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Code shall be so altered or modified as to conflict with, or further conflict with, the applicable performance standards established hereinafter for the district in which such use is located.

Certification from an engineer or scientific testing laboratory approved by the Village, indicating that the use of the land and all processing either does or will comply with the applicable performance standards, shall accompany application for a zoning certificate.

(B) **Noise - "C" District.**

- (1) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Code shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than **plus or minus two (±2) decibels**.

Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

- (2) At no point on the boundary of a residence or Business District shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (cycles per <u>second</u>)	Along Residence District Boundaries	Along Business District <u>Boundaries</u>
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Over 4,800	32	39

(C) **Vibrations - "C" District.**

- (1) Vibrations within a district shall be controlled so as not to become a nuisance to adjacent uses.
- (2) No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time, ground transmitted vibrations in excess of the limits set forth below. Vibrations shall be measured at any point along a Residence District boundary line with a three-component measuring instrument approved by the Director of Building and Zoning and shall be expressed as displacement in inches.

Frequency (cycles per <u>second</u>)	Maximum Permitted Displacement along Residence District Boundaries <u>inches</u>
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

(D)

Smoke and Particulate Matter - "C" District.

- (1) Any use already established on the effective date of this Code shall be permitted to be altered, enlarged, expanded or modified, provided that new sources of smoke and/or particulate matter conform to the performance standards established hereinafter for the district in which such use is located: The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the district in which the use is located after such alteration, enlargement, expansion or modification.
- (2) In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quality as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
- (3) For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines shall be employed. The emission of smoke or particulate matter of a density equal to No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.
- (4) The emission from all sources within any lot area of particulate matter containing more than **five percent (5%)** by weight of particles having a particle diameter larger than **forty-four (44) microns** is prohibited.
- (5) Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and so forth within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified hereinafter for the district in which such use shall be located is prohibited.
- (6) The emission of more than **twelve (12) smoke units** per stack in any **thirty (30) minute** period is prohibited, including smoke in excess of Ringelmann No. 2. However, once during any **three (3) hour** period, each stack shall be permitted up to **twenty (20) smoke units** (not to exceed Ringelmann No. 2) in **thirty (30) minutes** for soot blowing and fire cleaning. Only during fire cleaning shall smoke of Ringelmann No. 3 be permitted, and then for not more than **six (6) minutes**.
- (7) The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of **three (3) pounds** per acre of lot area during any **one (1) hour** period after

deducting from the gross hourly emission, per acre the correction factor set forth in the following table:

Allowance for Height of Emission*

Height of Emission (<u>above</u> <u>grade - feet</u>)	Correction (<u>pounds per hour per acre</u>)
50	0.0
100	0.5
150	0.8
200	1.2
300	2.0
400	4.0

*Interpolate for intermediate values now shown in table.

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- (a) Determine the maximum emission in pounds per hour from each source of emission and divide the figure by the number of acre of lot area - thereby obtaining the gross hourly rate of emission in pounds per acre.
- (b) From each gross hourly rate of emission derived in (a) above, deduct the correction factor (interpolating as required) for height of emission in pounds per acre per hour from each source of emission.
- (c) Add together the individual net rates of emission derived in (1) above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot - such total shall not exceed **three (3) pounds** per acre of lot area during any **one (1) hour**.

(E) **Toxic and Noxious Matter - "C" District.** No activity or operation shall cause, at any time, the discharge of toxic or noxious matter across lot lines in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business. Determination of such adverse effects shall be made by the Zoning Administrator or duly appointed agent.

(F) **Odorous Matter - "C" District.**

- (1) The emission of odorous matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
- (2) No activity or operation shall cause, at any time, the discharge of

odorous matter in such concentrations as to be detectable without the use of instruments at any point along lot lines.

(G) Fire and Explosive Hazards - "C" District.

- (1) The manufacture, utilization or storage of pyrophoric and explosive dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to: aluminum, bronze and magnesium powder, powdered coal, powdered plastics, flour and feed, spices, starches, sugar, cocoa, sulfur, grain (storage) and wood flour.
- (2) The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
- (3) The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following condition is met: Said materials shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls, or protected throughout by any automatic fire extinguishing system; or said materials may be stored outdoors in conformance with the regulations of the County Board of Supervisors, and such storage shall have **fifty (50) feet** clearance from all property lines.

(H) Glare and Heat - "C" District. Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the Director of Building and Zoning or duly appointed agent.

40-6-3 FENCES, WALLS, AND PROTECTIVE BARRIERS; DEFINITIONS. A structure forming a physical barrier that marks a boundary or encloses a portion of a yard, lot or parcel of land.

(A) The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Zoning Director as to their conforming to the requirements of such zoning district and the requirements of the Ordinances of the Village of Manito.

(B) Fences which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:

- (1)** No solid fence in excess of **six (6) feet** in height above the ground elevations shall hereafter be erected along the line dividing **two (2) lots** or parcels of land or erected within any required side or rear yard.
 - (2)** No fence, wall or protective barrier shall hereafter be erected in the front yard more than **four (4) feet** in height; provided further that no
-

fence, wall or protective barrier shall be erected closer than one

- (1) foot to any public sidewalk. Fences walls and other protective barriers located in the front yard shall have at least fifty percent **(50%)** of the surface open.
- (3)

All fences hereafter erected shall be an ornamental nature. Barbed wire, spikes, nails, or other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fence, are prohibited.

- (4) Barbed wire cradles may be placed on top of fences enclose public utility buildings or where deemed necessary by the Village Board in the interest of public safety.

No fence, wall, structure of planting shall be erected, established or maintained on any corner lot which will obstruct the view of a vehicle approaching the intersection, excepting that shade trees are permitted where all branches are not less than eight **(8) feet** above the road level. Such an unobstructed corner shall mean a triangular area formed by the street property line and a line connecting them at points **twenty (20) feet** from the intersection of the street lines, or in the case of rounded property corner, from the intersection of the street property lines extended.

ARTICLE VII

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURE, NON-CONFORMING USES OF STRUCTURES AND PREMISES AND NON-CONFORMING CHARACTERISTICS OF USE

40-7-1 INTENT. Within the districts established by this Code or amendments that may later be adopted, there exist:

- (A) Lots,
- (B) Structures,
- (C) Uses of land and structures, and
- (D) Characteristics of use,

which were lawful before this Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Code or future amendment. It is the intent of this Code to permit these non-conformities to continue until they are removed, but not to encourage their survival except as provided in Article IV, Section 40-4-2(D) and (E). It is further the intent of this Code that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Code to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

40-7-2 NON-CONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Code, notwithstanding limitations imposed by other provisions of this Code. Such lot must be in a separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both,

that are generally applicable in the district, provided that yard

dimensions and requirements other than those applying to area or width, or both, or the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Code, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Code, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Code.

40-7-3 NON-CONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where, at the time of passage of this Code, lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use involves no individual structure with a replacement cost exceeding **One Thousand Dollars (\$1,000.00)** the use may be continued so long as it remains otherwise lawful, provided:

(A) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.

(B) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption or amendment of this Code.

(C) If any such non-conforming use of land ceases for any reason for a period of more than six **(6) months**, any subsequent uses of such land shall conform to the regulations specified by this Code for the district in which such land is located;

(D) No additional structure not conforming to the requirements of this Code shall be erected in connection with such non-conforming use of land.

40-7-4 NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built or placed upon the land under the terms of this Code, by reason of restrictions on area, lot coverage, height yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

(B) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than **fifty percent (50%)** of its replacement cost at time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Code.

(C) Should such a structure be moved for any reason for any distance whatsoever, it

shall thereafter conform to the regulation for the district in which it is located after it is moved.

40-7-5 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of **One Thousand Dollars (\$1,000.00)** or more, or of structure and premises in combinations exists at the effective date of adoption or amendment of this Code, that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

(B) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building;

(C) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may, as a special exception, be changed to another non conforming use provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Code;

(D) Any structure, or structure and land in combination, in or on which a non-conforming use may not thereafter be resumed;

(E) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) **months** during any **three (3) year** period (except when government action impedes access to the premises), the structure, or structures and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

(F) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this Section is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

40-7-6 REPAIRS AND MAINTENANCE. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of **twelve (12) consecutive months** on ordinary repairs, or on repair or replacement of non-bearing walls, fixture, wiring or plumbing, to an extent not exceeding **ten percent (10%)** of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non conforming use becomes

physically unsafe or unlawful due to lack of repairs and maintenance,

and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt, except in conformity with the regulations of the district in which it is located.

Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

40-7-7 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES. Any use which is permitted as a special exception in a district under the terms of this Code (other than a change through Zoning Board of Appeals action from a non conforming use to another use not generally permitted in the district) shall not be deemed a non conforming use in such district, but shall, without further action be considered a conforming use.

ARTICLE VIII

ADMINISTRATION

40-8-1 CERTIFICATES AND OCCUPANCY PERMITS.

(A) **Zoning Certificates.** No permit pertaining to the use of land or buildings shall be issued unless the Director of Building and Zoning has certified, after examination, that it complies with all provisions of this Code. A valid building permit shall be null and void if work has not begun **ninety (90) days** from the date it is issued. All work on a building for which a valid building permit has been obtained, must be completed and an occupancy permit obtained within **eighteen (18) months** from the date of the permit. The Director of Building and Zoning may grant one (1) extension of up to one hundred eighty (180) days upon written request from the owner. Any further request for extension must be submitted in writing, with good cause shown, to the Village Board, the majority of which, upon vote, can approve a further extension for such time or times as seems reasonable. (Ord. No. 430; 05-02-83)

(B) **Occupancy Permits.** No land shall be occupied or used and no building hereafter erected or substantially altered, as determined by the Director of Building and Zoning, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Director of Building and Zoning stating that the building complies with all the building and health laws and ordinances and with the provisions of these regulations. No change of a principal use, as set forth in this Code shall be made in any building or part thereof now or hereafter erected or altered without a permit having been issued by the Director of Building and Zoning; and no permit shall be issued to make such change unless it is in conformity with the provisions of this Code and amendments thereto.

Nothing in this Section shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for safety of life and property.

Certificates for occupancy and compliance shall be applied for coincident with the application for a building permit, and shall be issued within **ten (10) days** after the erection or alteration of such building has been completed. A record of all certificates shall be kept on file in the office of the Director of Building and Zoning, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. A fee of **Two Dollars (\$2.00)** shall be charged for each occupancy permit and **Two Dollars (\$2.00)** for each additional copy thereof. (Ord. No. 417; 09-04-79)

A fee of **Twenty-Five Dollars (\$25.00)** must be paid and a Zoning Certificate must be obtained in order to erect a satellite reception antenna. (Ord. No. 96-4; 04-01-96)

40-8-2 DUTIES OF OFFICE OF THE DIRECTOR OF BUILDING AND ZONING.

(A) **Appointment.** The Director of Building and Zoning of the Village, or other officials that have been or shall be duly appointed by the Village President shall enforce this Code.

(B) **Duties.** In addition thereto and in furtherance of said authority, the Director of Building and Zoning shall:

- (1) Issue all certificates of occupancy and make and maintain records thereof.
- (2) Conduct inspections of buildings, structures and uses of land to determine compliance with the terms of this Code.
- (3) Maintain permanent and current records of the Code, including, but not limited to, all maps, planned unit residential developments, amendments and special uses, variations, appeals and applications thereof.
- (4) Receive, file and forward to the Zoning Board of Appeals and the Village Board, all applications for appeals, variations and other matters on which the Zoning Board of Appeals and the Village Board are required to decide under this Code.
- (5) Provide such clerical and technical assistance as may be required by the office in the exercise of its duties.

40-8-3 ZONING BOARD OF APPEALS.

(A) **Creation.** The Board of Appeals shall consist of **six (6) members** who shall serve for a term of five (5) **years**. The terms of the members shall commence on the date of their appointment. The amount of compensation, if any, shall be fixed by the President and Board of Trustees. The members shall be subject to removal by the President and Board of Trustees of the Village for good cause after public hearing. Members of the Zoning Board of Appeals shall have the powers and duties assigned to the Zoning Board of Appeals by statute and ordinance. The Chairman shall be the Trustee of the Village who has been appointed by the Mayor as the Chairman of the Zoning Committee. The Chairman's term shall be concurrent with his elected term as Trustee of the Village. **(Ord. No. 97-1; 01-06-97)**

(B) **Membership.** All appointments to the Zoning Board of Appeals shall be made by the Village President, subject to approval of the Village Board. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of Chairman is vacated for any reason, the Village President, subject to approval of the Village Board, shall immediately appoint another Trustee of the Village as Chairman of the Zoning Committee and as the new Chairman of the Zoning Board of Appeals. **(Ord. No. 97-1; 01-06-97)**

(C) **Procedure.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this Code shall be given under oath. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board 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. Every rule, regulation, every amendment or repeal thereof, and every

order, requirement, decision, or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be of public record. The presence of **four (4) members** shall constitute a quorum and the concurrent vote of a majority of the members of the Zoning Board of Appeals present is necessary to reverse or affirm wholly or partly, any order, requirements, decision or determination made by the Director of Building and Zoning or to decide in favor of the applicant any matter upon which it is required to pass under this Code or to effect any variation in this Code, or to recommend any variation or modification in the Code to the Village Board. **(Ord. No. 97-1; 01-06-97)**

(D) **Jurisdiction and Authority.** The Zoning Board of Appeals is hereby invested with the powers as granted by the Statutes of the State of Illinois and this Code as follows:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by the Director of Buildings and Zoning pertaining to conformance with requirements of this Code;
- (2) To hear and recommend action for decision by the Village Board varying the terms provided in this Code. Said recommendation shall be subject to the standards set forth in this Section;
- (3) To hear and make recommendations for the Village Board decision on any proposed amendments to this Code;
- (4) To hear and recommend for decision by the Village Board only such special uses as the Zoning Board of Appeals is specifically authorized to by the terms of this Code; recommend for decision to such questions as are involved in determining whether special uses should be granted; and to recommend to special uses with such conditions and safeguards as are appropriate under this Code, or to recommend for denial, special uses when not in harmony with the purpose and intent of this Code; and
- (5) To hear and decide all matters referred to or upon which it is required to pass under this Code.

(E) **Decisions.** All decisions of the Zoning Board of Appeals on appeals from decisions of the Director of Building and Zoning shall, in all instances, be final administrative determinations subject to judicial review in accordance with applicable Statutes of the State of Illinois.

[ED. NOTE: The statutes require that it takes four (4) votes to establish a majority.]

(F) **Authority.** No other provision of this Code withstanding, it is hereby provided that a rejection of the Zoning Board of Appeals of an application for special use or variance is a final administrative determination subject to judicial review in accordance with the applicable statutes of the State of Illinois. A rejection of such application for variance or special use shall not be reviewed by the Village Board. All approvals of a recommendation for special use or variance or recommendations thereon shall be forwarded to the Village Board of Trustees to be acted upon in conformance with the provisions of this Code. **(Ord. No. 413; 04-02-79)**

40-8-4 APPEALS.

(A) **Initiation.** An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation or by any office, department, board, bureau or commission, aggrieved by an administrative order, requirement, decision, or determination under this Code by the Director of Building and Zoning or other authorized official of the Village.

(B) **Processing.** An appeal shall be filed with the Director of Building and Zoning who shall forward such appeal with all papers constituting the record upon which the action was taken, to the Zoning Board of Appeals for processing in accordance with the applicable statutes of the State of Illinois. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(C) **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Appeals or by a circuit court on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

40-8-5 VARIATIONS.

(A) **Initiation.** A written application for a variation may be made by any person, firm or corporation or by any office, department, board, bureau or commission, requesting or intending to request an application for a zoning certificate.

(B) **Processing.**

(1) An application for a variation shall be filed with the Director of Building and Zoning who shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable statutes of the State of Illinois.

(2) No variation shall be recommended to the Village Board by the Zoning Board of Appeals, except after a public hearing before the Zoning Board of Appeals, of which there shall be a notice of time and place of the hearing published at least once - not more than **thirty (30)** or less than **fifteen (15) days** before the hearing - in **one (1)** or more newspapers with a general circulation within the Village and a written notice is served at least **fifteen (15) days** before the hearing on the owners of the properties located adjacent to the location for which the variation is requested.

(C) **Standards.**

(1) The Zoning Board of Appeals shall not vary the provisions of this Code as authorized in this Section unless it shall have made findings based upon the evidence presented in writing that each of the following conditions exist:

Revised Code

- (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located;
- (b) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
- (c) That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code;
- (d) That the plight of the applicant is due to unique
- (2) circumstances and does not result from the actions of the applicant.
- (e) That granting the variance requested will not confer on the
- (3) applicant any special privilege that is denied by this Code to other lands, structures or buildings in the same district;
- (f) That the variation, if granted, will not alter the essential character of the
- (4) locality.

No non-conforming uses of neighboring lands or structures, in the

same district, and no pennitted, special or non-conforming uses of lands or structures in other districts shall be considered grounds for the issuance of a variance.

The Zoning Board of Appeals may require such conditions and

restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section to

reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Code.

Upon approval of a variance as provided herein, and as a part of

any variance, the Village Board, after recommendation from the Zoning Board of Appeals, may, in writing when granting such

(D) **Authorized Variations.** Variations from the regulations of this Code may be recommended to the Village Board only in accordance with the standards set forth in this Section and only in the following instances and no others:

variance, require a date certain after which construction cannot begin and the variance be voided as though the same were never granted, and the Village Board may also establish, in writing, a "completion deadline" which, if not met, shall be a violation punishable under **Article X** of this Code. **(Ord. No. 403; 10-03- 77)**

- (1) To permit a yard required by the applicable regulations;
- (2) To permit the use of a lot not of record on the effective date of this Code for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than **eighty percent (80%)** of the required lot area;
- (3) To permit parking lots to be illuminated between the hours of **nine thirty (9:30) P.M. and seven o'clock (7:00) A.M.;**
- (4) To permit the same off-street parking spaces to qualify as required spaces for **two (2)** or more uses, provided that the maximum use of such facility by each use does not take place during the same hours of the same days of the week;
- (5) To increase by not more than **twenty-five percent (25%)** the maximum distance that required parking spaces are permitted to be located from the use served; and
- (6) To allow any permitted non-residential use in a Residence District to exceed the floor area ratio imposed by the applicable regulations.

40-8-6 SPECIAL USES.

(A) **Purpose.** The development and execution of the Zoning Code is based upon the division of the Village into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon public need for the particular use of the particular location. Such special uses fall into two (2) **categories:**

- (1) Uses operated by a public agency or publicly-regulated utilities, or uses traditionally affected with a public interest.
- (2) Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact on neighboring property or public facilities.

(B) **Initiation.** An application for a special use may be made by any person, firm or corporation or by any office, department, board, bureau or commission, requesting or intending to request a zoning certificate.

(C) **Processing.** A special use exception shall not be recommended to be granted by the Zoning Board of Appeals unless and until:

- (1) A written application for a special exception is submitted, indicating the section of this Code under which the special exception is sought and stating the grounds on which it is requested;

- (2) Notice shall be given at least **fifteen (15) days** in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the Village Hall, in **one (1)** other public place at least **fifteen (15) days** prior to the public hearing. In the alternative, notice may be given by publication in a newspaper printed and circulated locally at least once and at least **fifteen (15) days** prior to the public hearing;
- (3) The public hearing shall be held. Any party may appear in person or by agent or attorney;
- (4) The Zoning Board of Appeals shall make a finding that the granting of the special use will not adversely affect the public interest.

(D) **Standards.** Before any special use shall be recommended to the Village Board, the Board of Appeals shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
- (2) Utilities, with reference to locations, availability and compatibility;
- (3) Screening and buffering with reference to type, dimensions and character;
- (4) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- (5) Required yards and other open space;
- (6) General compatibility with adjacent properties and other property in the district.

(E) **Decisions.** The Village Board, after receiving the report of the Zoning Board of Appeals and without further public hearing, may grant or deny by majority vote any proposed special use or may refer the proposal back to the Zoning Board for further consideration.

40-8-7 AMENDMENTS.

(A) **Authority.** The regulations imposed and the districts created under the authority of this Code may be amended from time to time by ordinance. An amendment shall be granted or denied by the Village Board only after a public hearing before the Zoning Board of Appeals and a report of its findings and recommendations has been submitted to the Village Board.

(B) **Initiation.** Amendments may be proposed by the Village Board or by a resident of or owner of property in the Village.

(C) **Processing.** An application for an amendment shall be filed with the Director of Building and Zoning and thereafter, introduced into the Village Board. Such application shall be forwarded from the Village Board by the Director of Building and Zoning to the Zoning Board of Appeals with a request to hold a public hearing. Notice shall be given of the time and place of the hearing not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing, by publishing a notice thereof at least once in **one (1)** or more newspapers in general circulation within the Village and a written notice is served at least fifteen (15) days before the hearing on the owners of the properties located adjacent to the location to which the amendment is requested. The Zoning Board of Appeals shall thereafter submit a report of its findings and recommendations to the Village Board.

(D) **Decisions.** The Village Board, after receiving the report of the Zoning Board of Appeals and without further public hearing, may grant or deny by majority vote, any proposed amendment or may refer it back to the Zoning Board for further consideration. In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered, is filed with the Clerk of the Municipality, the amendment shall not be passed, except by a favorable vote of **two-thirds (2/3)** to the members of the Village Board then holding office.

40-8-8 FEES.

(A) An application for amendment, special use or variation in property filed on or behalf of the owner or owners of the property affected, shall be accompanied by a fee of **Fifty Dollars (\$50.00)**.

(B) An application for an appeal shall be accompanied by a fee of **Forty Dollars (\$40.00)**.

(C) An application for a building permit on a new home or principal building, garage or remodeling, shall be accompanied by a fee of **Fifteen Dollars (\$15.00)**.

(D) An application for a building permit on any accessory building or accessory use shall be accompanied by a fee of **Five Dollars (\$5.00)**.

(E) An application for an occupancy permit shall be accompanied by a fee of **Five Dollars (\$5.00)**.

(Ord. No. 96-1; 01-08-96)

ARTICLE IX - LAND GOVERNED BY TIDS CODE

40-9-1 **AREA.** The terms of this Code encompass the land located in Sections 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 32, 33, 34, and 35 of Township 23 North, Range 6 West of the Third Principal Meridian, Mason County, Illinois.

ARTICLE X - PENALTY

40-10-1 **VIOLATION, PENALTY, ENFORCEMENT.** Any person, firm or a corporation who violates, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Code shall, upon conviction, be fined not less than **Fifty Dollars (\$50.00)** nor more than **One Hundred Dollars (\$100.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The Director of Building and Zoning is hereby designated and authorized to enforce this Code.

(Unless Otherwise Noted, This Chapter Ord. No. 381; 05-05-75)

40-5-4 - SCHEDULE "A" - LOT REQUIREMENTS							
Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard		Minimum Rear Yard	Maximum Height
				Total	Minimum Per Side		
"A" Agricultural District	1.0 acre	200 feet	30 feet	20 feet	7 feet	100 feet	No Limit
"R" Residential District	1,000 sq. ft.	66 feet	25 feet	15 feet	7 feet	25 feet	35 feet
"C" Commercial District	None	None	None	None	None	None	65 feet

(Ord. No. 472; 09-04-90)

40-5-4 SCHEDULE "B" - DISTRICT REGULATIONS

"A" - AGRICULTURE DISTRICT

This district is designed to accommodate and protect agricultural and related uses as well as other uses commonly located in rural areas.

PERMITTED USES

Agricultural uses, churches, public and private parks and recreation areas, schools, public and private, elementary and high school, single-family residences, grain elevators and storage, electric and telephone substations, accessory farm buildings, veterinary hospitals, auction and wholesale establishments restricted to sales of agricultural produce only, nurseries, wild life game preserves, public service stations.

SPECIAL USES

Colleges, Junior Colleges, universities, nursery and rest homes, hospitals and sanitariums, religious institutions other than churches, fairgrounds, cemeteries, including mausoleums, or crematories, airports and landing fields, golf courses, telephone radio, television transmitters or relay stations, government and utility towers.

"R" - RESIDENTIAL DISTRICT

..J-

This district is designed to provide for single-family residential development at a low density on normal sized lots, along with ancillary community facilities.

PERMITTED USES

Single-family detached dwellings; garages and other appropriate accessory buildings no larger than 750 square feet; open space, including customary public parks; and temporary buildings for construction of permitted buildings. **(Ord. No. 430; 05-02-83) (Ord. No. 96-1; 01-08-96)**

SPECIAL USES

Colleges or universities, public or private outdoor recreation centers, accessory buildings or structures for administration, operation, maintenance, and club house or pavilion facilities, including sale of food and soft drinks, electric and telephone substations, filtration plants, dumping stations, and water reservoirs, sewage treatment plants, railroad passenger stations, police and fire stations, telephone exchange, radio and television transmitting or relay stations, and antenna towers, home occupations, filling of holes, pits, quarries or lowlands with materials free from refuse and food waste, two-family dwelling units and multiple-family dwelling units, public libraries, museums, art galleries. Churches; schools, public, denomination or private, to be used for nursery, elementary, junior and senior high, with adjacent space for playgrounds, athletic fields, dormitories and other accessory uses required for operation; seminaries, convents, monasteries and similar religious institutions including dormitories and other accessory uses required for operation; any buildings to be used for agricultural purposes, including animal and poultry husbandry; dairying and pasturage. **(Ord. No. 430; 05-02-83)**

"C" - COMMERCIAL DISTRICT

This district is designed to provide for a wide range of retail stores, offices and service establishments of a primary and community serving nature.

PERMITTED USES

Same as "R", plus: Retail stores and shops, offices, and personal service establishments, including, but not limited to the following: gift shops; hardware stores; medical and dental offices and clinics; banks and financial institutions; drug stores; post offices; hotels; cultural facilities; amusement establishments; barber shops; governmental offices; bowling alleys; building material sales; cartage and express facilities with indoor storage only; catering establishments; ice sales; gymnasiums; miniature golf courses; motels and lodging houses; museums; parking lots; par three golf courses; restaurants; theaters (other than drive-in theaters); skating rinks; swimming pools; automotive sales, service, and rental; retail greenhouse; farm machinery.

SPECIAL USES

Same as "R", plus: Antique shops; animal hospitals; car washes; cartage and express facilities with outdoor storage; automotive service stations and related facilities; garages servicing automotive vehicles; machinery sales, other than farm machinery and equipment sales and service; junk yard or scrap processing facilities; automotive or other vehicle testing ground; automotive wrecking yard; automotive body works; automotive paint shops; automotive parts sales; wholesale bakeries; church; frozen food lockers; open sales lot; outdoor amusement establishment; drive-in theater; contractor's, architect's and engineer's office, shop, and yard; dry cleaning establishment; dwelling unit for watchmen and their families, when located on the premises where employed; fuel sales; wholesale greenhouse; highway maintenance shops and yards; laundries and laundromats; lodges and offices of labor organizations; mail order house; motor freight terminal; municipal or privately owned recreational building or community center; packing and crating; facility; printing; public utilities; publishing establishment; radio and television studios; stations and towers for transmitting and receiving; taverns; telephone booths; temporary building for construction purposes, provided that such use shall not be permitted beyond the period of time permitted for said construction; trade school; weighing station; any establishment engaged in the production, processing, cleaning, servicing, testing, repair or storage of materials, goods and products, provided operations conform with the performance standards and other general requirements set forth in this Chapter for "C" Commercial District; air, railroad, and water freight terminals; railroad switching and classification yard; repair shops; roundhouses; airports, private and commercial; extraction of sand and gravel; parks and playgrounds; penal and correctional institutions; planned development for manufacturing; race tracks; municipal sewage treatment plants. (Ord. No. 91-2; 09-01-91)