

VILLAGE OF CASEYVILLE, ILLINOIS

ORDINANCE NO. 2023-18

**AN ORDINANCE ENACTING
A REVISED CODE OF ORDINANCES
FOR THE
VILLAGE OF CASEYVILLE, ILLINOIS**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF CASEYVILLE, ILLINOIS**

THIS 15TH DAY OF NOVEMBER, 2023

Published in book form by authority of the Mayor and the Village Board of Trustees of the Village of Caseyville, St. Clair County, Illinois this 15th day of November, 2023.

CHAPTER TITLES

1.	<i>Administration</i>	1-1
3.	<i>Animals</i>	3-1
4.	<i>Boards and Commissions</i>	4-1
7.	<i>Business Code</i>	7-1
16.	<i>Health Code</i>	16-1
19.	<i>Labor Contracts</i>	19-1
21.	<i>Liquor</i>	21-1
22.	<i>Mandated Policies</i>	22-1
24.	<i>Motor Vehicle Code</i>	24-1
25.	<i>Nuisances</i>	25-1
26.	<i>Offenses</i>	26-1
28.	<i>Parks and Community Center</i>	28-1
30.	<i>Public Safety</i>	30-1
33.	<i>Street Regulations</i>	33-1
36.	<i>Taxation</i>	36-1
38.	<i>Utilities</i>	38-1
40.	<i>Development Code</i>	40-1

CASEYVILLE, ILLINOIS

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1	Motor Vehicles: Speed Limit - 1888	08/06/88	Chapter 24
2	Finances - 1889	07/01/89	Repealed
3	Village Limits	02/91	Repealed
4	Village Limits	02/91	Repealed
5	Administration: Officers	08/05/95	Chapter 1
6	Bicycles on Sidewalk	03/07/98	Repealed
7	Street Railways	03/22/99	Repealed
8	Street Railways	05/01/99	Repealed
9	Street Railways	11/10/99	Repealed
10	Extension of Long Street	07/19/00	Repealed
11	Appropriation 1900	08/15/00	Special Legislation
12	Appropriation 1901	07/19/01	Special Legislation
13	Tax Levy 1901	08/07/01	Special Legislation
14	Railroad Trains in Village	10/09/01	Special Legislation
15	Appropriation 1902	07/08/02	Special Legislation
16	Tax Levy 1902	08/04/02	Special Legislation
17	Repeals #14	09/02/02	Special Legislation
17A	Telephone and Telegraph Lines	10/03/03	Special Legislation
18	Burial Permits	07/02/04	Repealed
19	Appropriation 1904	07/24/04	Special Legislation
20	Tax Levy 1904	08/12/04	Special Legislation
21	Appropriation 1905	07/13/05	Special Legislation
22	Tax Levy 1905	08/16/05	Special Legislation
23	Appropriation 1906	07/12/06	Special Legislation
24	Tax Levy 1906	08/13/06	Special Legislation
25	Streets: Construction of Sidewalks	09/12/06	Chapter 33
26	Construction of Water Pipes	09/12/06	Repealed
27	Administration: Penalties	09/12/06	Repealed
28	Bluff Side Place Plat	12/03/06	Special Legislation
29	Administration: Village Constable	04/01/06	Repealed
30	Installation of Telephones	04/07	Special Legislation
31	Appropriation 1907	06/03/07	Special Legislation
32	Streets: Construction of Sidewalks	08/05/07	Chapter 33
33	Tax Levy 1907	09/03/07	Special Legislation
34	Appropriation 1908	06/01/08	Special Legislation
34A	Bluff Side Place Plat	02/03/08	Special Legislation
35	Offenses: Peace and Quiet	06/01/08	Chapter 27
36	Liquor: Dramshop	06/01/08	Repealed
37	Tax Levy 1908	09/08/08	Special Legislation
38	Flagman at Railroad Crossings	01/04/09	Special Legislation
39	Appropriation 1909	07/05/09	Special Legislation
40	Not Passed		
41	Streets: Construction of Sidewalks	07/19/09	Special Legislation
42	Streets: Construction of Sidewalks	07/19/09	Special Legislation
43	Streets: Construction of Sidewalks	07/19/09	Special Legislation
44	Streets: Construction of Sidewalks	07/19/09	Special Legislation
45	Streets: Construction of Sidewalks	07/19/09	Special Legislation
46	Streets: Construction of Sidewalks	07/19/09	Special Legislation
47	Streets: Construction of Sidewalks	07/19/09	Special Legislation
48	Streets: Maintenance of Sidewalks	08/02/09	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
49	Tax Levy 1909	09/07/09	Special Legislation
50	Appropriation 1910	07/02/10	Special Legislation
51	Extension of Long Street	09/06/10	Special Legislation
52	Streets: Construction of Sidewalks	09/06/10	Special Legislation
53	Streets: Construction of Sidewalks	09/06/10	Special Legislation
54	Streets: Construction of Sidewalks	09/06/10	Special Legislation
55	Streets: Construction of Sidewalks	09/06/10	Special Legislation
56	Streets: Construction of Sidewalks	09/06/10	Special Legislation
57	Streets: Construction of Sidewalks	09/06/10	Special Legislation
58	Streets: Construction of Sidewalks	09/06/10	Special Legislation
59	Streets: Construction of Sidewalks	09/06/10	Special Legislation
60	Streets: Construction of Sidewalks	09/06/10	Special Legislation
61	Streets: Construction of Sidewalks	09/06/10	Special Legislation
62	Operation of Street Railways	09/06/10	Special Legislation
63	Tax Levy 1910	09/06/10	Special Legislation
63A	Admin: Salaries/Street Inspector	06/05/11	Repealed
64	Appropriation 1911	07/03/11	Special Legislation
65	Tax Levy 1911	09/05/11	Special Legislation
66	Business: Licensing at Shows	09/05/11	Repealed
67	Installation of Electric Light & Power	12/04/11	Special Legislation
68	Installation of Electric Gas Lines and Gas Plant	12/04/11	Special Legislation
69	Appropriation 1912	05/06/12	Special Legislation
70	Tax Levy 1912	08/05/12	Special Legislation
71	Appropriation 1913	06/02/13	Special Legislation
72	Animals: Dog Control	06/02/13	Repealed
73	Offenses: Impersonating Police Officer	07/07/13	Repealed
74	Tax Levy 1913	08/04/13	Special Legislation
75	Appropriation 1914	06/01/14	Special Legislation
76	Tax Levy 1914	08/03/14	Special Legislation
77	Appropriation 1915	06/08/15	Special Legislation
78	Tax Levy 1915	08/02/15	Special Legislation
79	Appropriation 1916	06/05/16	Special Legislation
80	Tax Levy 1916	08/07/16	Special Legislation
81	Administration: Salaries	06/04/17	Repealed
82	Appropriation 1917	06/04/17	Special Legislation
83	Liquor: Licenses	06/04/17	Repealed
84	Tax Levy 1917	08/13/17	Special Legislation
85	Liquor: Music in Saloons	10/01/17	Repealed
86	Public Safety: Marshall Salary	05/06/18	Repealed
87	Appropriation 1918	07/09/18	Special Legislation
88	Tax Levy 1918	07/09/18	Special Legislation
89	Appropriation 1919	07/07/19	Special Legislation
90	Business: Licenses	07/09/19	Chapter 7
91	Tax Levy 1919	09/03/19	Special Legislation
92	Motor Vehicles	10/06/19	Repealed
93	Appropriation 1920	07/01/20	Special Legislation
94	Tax Levy 1920	09/07/20	Special Legislation
95	Appropriation 1921	07/05/21	Special Legislation
96	Tax Levy 1921	09/06/21	Special Legislation
97	Motor Vehicles	02/06/22	Repealed
97A	Bond Issue on Ballot	04/19/22	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
98	Appropriation 1922	06/05/22	Special Legislation
99	Tax Levy 1922	08/07/22	Special Legislati
100	Bond Issue on Ballot	03/12/23	Special Legislation
101	Village Base or Plane of Reference	06/04/23	Special Legislation
102	Streets: Evaluations	06/04/23	Repealed
103	Appropriation 1923	06/04/23	Special Legislation
104	Tax Levy 1923	08/06/23	Special Legislation
105	Motor Vehicles	09/04/23	Repealed
106	Street Railways 1923		Special Legislation
107	Business: Licenses	04/17/23	Repealed
108	Appropriation 1924	06/02/24	Special Legislation
109	Tax Levy 1924	08/04/24	Special Legislation
110	Street Inspector	04/25/25	Repealed
111	Appropriation 1925	06/01/25	Special Legislation
112	Tax Levy 1925	09/08/25	Special Legislation
113	Caseyville Gardens Plat	09/08/25	Special Legislation
114	Electric Light	06/07/26	Special Legislation
115	Appropriation 1926	06/07/26	Special Legislation
116	Tax Levy 1926	09/07/26	Special Legislation
117	Fire Insurance and Fire Protection	11/01/26	Chapter 36
118	Streets: Construction of Sidewalks	05/02/27	Special Legislation
119	Caseyville Hills Plat	04/24/27	Special Legislation
120	Appropriation 1927	06/06/27	Special Legislation
121	Tax Levy 1927	09/06/27	Special Legislation
122	Nuisances: Weeds	10/03/27	Repealed
123	Vendors of Oil Licenses	02/06/28	Repealed
124	Appropriation 1928	06/05/28	Special Legislation
125	Tax Levy 1928	08/06/28	Special Legislation
125A	Telephone Service	10/01/28	Special Legislation
126	Business: Pool Rooms	04/30/29	Chapter 7
127	Brookside & Caseyville Hills Plats	06/03/29	Special Legislation
128	Appropriation 1929	06/03/29	Special Legislation
129	Tax Levy 1929	08/05/29	Special Legislation
130	Appropriation 1930	06/02/30	Special Legislation
131	Tax Levy 1930	09/02/30	Special Legislation
131A	Appropriation 1931	06/01/31	Special Legislation
132	Tax Levy 1931	09/08/31	Special Legislation
133	Motor Vehicles: Load Limits	12/07/31	Chapter 24
134	Streets: Use of	12/07/31	Chapter 33
135	Blasting	12/07/31	Chapter 27
136	Appropriation 1932	06/02/32	Special Legislation
137	Tax Levy 1932	09/05/32	Special Legislation
138	Appropriation 1933	06/05/33	Special Legislation
139	Liquor: Sale	06/05/33	Chapter 21
140	Tax Levy 1933	09/05/33	Special Legislation
141	Liquor: Licenses	05/07/34	Chapter 21
142	Tax Levy 1934	08/06/34	Special Legislation
143	Wage Scale	08/20/34	Repealed
144	Appropriation 1935	07/01/35	Special Legislation
145	Tax Levy 1935	09/03/35	Special Legislation
146	Public Safety: Firemen	05/04/36	Chapter 30
148	Appropriation 1936	07/06/36	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
149	Tax Levy 1936	09/15/36	Special Legislation
150	Issuance of Water Revenue Bonds	09/15/36	Special Legislation
151	Electric Power	09/15/36	Special Legislation
152	Electric Street Lights	09/15/36	Special Legislation
153	Purchase of Water	10/05/36	Special Legislation
154	Water System Rules	12/07/36	Special Legislation
155	Vacating Sidewalk	12/07/36	Special Legislation
156	Purchase of Water	01/04/37	Special Legislation
157	Administration: Salaries	03/01/37	Repealed
159	Administration: Treasurer	08/02/39	Repealed
160	Tax Levy 1937	09/07/37	Special Legislation
161	Liquor: Hours	05/23/38	Repealed
162	Appropriation 1938	07/05/38	Special Legislation
163	Tax Levy 1938	09/06/38	Special Legislation
163A	Administration: Treasurer	01/13/39	Repealed
164	Appropriation 1939	06/05/39	Special Legislation
165	Tax Levy 1939	09/05/39	Special Legislation
166	Street Lighting	05/06/40	Special Legislation
167	Appropriation 1940	06/03/40	Special Legislation
168	Temporary Transfer of Water Funds 1940	1940	Special Legislation
169	Return of Funds to Water Fund	06/25/40	Special Legislation
171	Liquor: Licenses	07/06/40	Chapter 21
173	Business: Theaters	11/04/40	Chapter 7
175	Taxation: Fire Insurance Companies	05/28/41	Chapter 36
176	Fire Protection	03/20/41	Special Legislation
177	Administration: Village Clerk	03/20/41	Repealed
178	Public Safety: Fire Department	11/03/41	Chapter 30
178A	Tax Levy 1941	08/08/41	Special Legislation
179	Street Inspector and Constable	09/02/41	Special Legislation
180	Cemetery: Sexton	09/02/41	Chapter 9
181	Utilities: Sewer Connections	11/03/41	Chapter 38
182	Streets: Culverts	12/01/41	Chapter 33
183	Taxation: Fire Insurance Companies	12/01/41	Chapter 36
184	Business: Vehicles Carrying Foodstuffs	03/02/42	Chapter 7
185	Cemetery: Sexton	05/05/42	Chapter 9
186	Appropriation 1942	07/06/42	Special Legislation
187	Liquor: Hours	09/08/42	Chapter 21
189	Air Raids and Black Outs	10/08/42	Repealed
190	Appropriation 1943	05/03/43	Special Legislation
191	Administration: Salaries; Treasurer	07/30/43	Repealed
192	Administration: Registrar of Vital Statistics	11/01/43	Repealed
193	Appropriation 1944	06/05/44	Special Legislation
195	Business: Licenses	03/15/45	Chapter 7
196	Administration: Salaries	04/12/45	Repealed
197	Issuance of Water Revenue Bonds	05/15/45	Special Legislation
198	Appropriation 1945	06/04/45	Special Legislation
200	Tax Levy 1945	08/06/45	Special Legislation
201	Electric Power	04/01/46	Special Legislation
202	Street Lighting	04/01/46	Special Legislation
203	Administration: Daylight Savings Time	04/17/46	Repealed
205	Appropriation 1946	06/03/46	Special Legislation
208	Issuance of Bridge Bonds	09/09/46	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
209	Bridge Bond on Ballot	09/09/46	Special Legislation
210	Liquor: Licenses	11/04/46	Repealed
211	Issuance of Water Revenue Bonds	12/02/46	Special Legislation
212	Appropriation 1947	08/04/47	Special Legislation
213	Tax Levy 1947	08/15/47	Special Legislation
214	Fred Nuetzel Plat	11/03/47	Special Legislation
217	Issuance of Water Revenue Bonds	06/23/48	Special Legislation
218	Appropriation 1948	07/19/48	Special Legislation
219	Tax Levy 1948	07/19/48	Special Legislation
221	Boy Scout Place Plat	03/07/49	Special Legislation
222	Hueckels 2 nd Addition Plat	06/06/49	Special Legislation
223	Motor Vehicles: Stop Signs	06/14/49	Chapter 24
224	Tax Levy 1949	07/05/49	Special Legislation
225	Appropriation 1949	07/05/49	Special Legislation
226	Ogle Addition Plat	08/01/49	Special Legislation
227	Waterworks Extension Revenue Bonds	08/13/49	Special Legislation
228	Motor Vehicles: Speed Limits	11/07/49	Chapter 24
229	Vacation of Sidewalk	11/17/49	Special Legislation
229A	Liquor: Licenses	03/07/50	Chapter 21
230	Appropriation 1950	06/26/50	Special Legislation
231	Tax Levy 1950	06/26/50	Special Legislation
231A	Liquor: Licenses	11/08/50	Chapter 21
232	Waterworks Bonds	07/03/50	Special Legislation
233	Wheel Tax	12/04/50	Special Legislation
234	Vacation of Alley	04/02/51	Special Legislation
235	Appropriation 1951	07/09/51	Special Legislation
236	Tax Levy 1951	07/09/51	Special Legislation
237	Reimbursement of Cost of Water Line	02/04/52	Special Legislation
239	Tax Levy 1952	06/02/52	Special Legislation
240	Appropriation 1952	06/02/52	Special Legislation
240A	Reading of Water Meters	03/02/53	Special Legislation
243	Appropriation 1953	1953	Special Legislation
243A	Telephone Service	09/08/53	Special Legislation
244	Business: Fireworks	07/06/53	Chapter 7
245	Hueckels' 3 rd Addition Plat	08/03/53	Special Legislation
246	Tax Levy 1953	08/03/53	Special Legislation
247	Vacation of James Street	09/08/53	Special Legislation
248	Public Safety: Fire Apparatus	09/08/53	Chapter 30
249	Motor Vehicles: Reckless Driving	09/08/53	Chapter 24
250	Hueckels' 4 th Addition Plat	11/16/53	Special Legislation
251	Issuance of Municipal Building Bonds	11/16/53	Special Legislation
252	Issuance of Municipal Building Bonds	12/26/53	Special Legislation
253	Issuance of Municipal Building Bonds	01/23/54	Special Legislation
254	Administration: Social Security Benefits	03/01/54	Chapter 1
255	Utilities: Meter Deposit	03/01/54	Chapter 38
256	Sale of Revenue Bonds		Special Legislation
257	Appropriation 1954		Special Legislation
258	Motor Vehicles: Parking	07/02/54	Chapter 24
259	Tax Levy 1954	08/26/54	Special Legislation
259A	Wheel Tax	02/07/55	Special Legislation
260	Vacation of Alley	04/14/55	Special Legislation
261	Water Pump Booster Site	04/14/55	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
262	Purchase of Real Estate	04/14/55	Special Legislation
263	Country Side Gardens Plat	04/21/55	Special Legislation
264	Electric Power	06/06/55	Special Legislation
265	Appropriation 1955	06/06/55	Special Legislation
266	Tax Levy 1955	07/05/55	Special Legislation
267	Public Safety: Civil Defense	08/01/55	Repealed
268	Taxation: Municipal Retailers Occupation Tax	08/01/55	Repealed
269	Offenses: Curfew	11/07/55	Chapter 27
270	Animals: Dog Control	11/10/55	Chapter 3
271	Utilities: Rates and Charges	12/05/55	Repealed
272	Appropriation 1956	05/07/56	Special Legislation
272A	Motor Vehicles: D.W.I.	02/06/56	Chapter 24
273	Tax Levy 1956		Special Legislation
274	Street Lighting	06/04/56	Special Legislation
275	Administration: Purchasing Committee	07/02/56	Repealed
276	Administration: Purchasing Committee	07/02/56	Chapter 1
277	Appropriation 1957	01/03/57	Special Legislation
277A	Offenses: Curfew	12/03/56	Chapter 27
278	Offenses: Firearms	06/03/57	Chapter 27
278A	2 nd Addition to Countryside Gardens	07/22/57	Special Legislation
279	Tax Levy 1957	08/05/57	Special Legislation
280	Vacation of Harbor Street	08/05/57	Special Legislation
285	Annexation	01/06/58	Special Legislation
288	Appropriation 1958		Special Legislation
289	Appropriation 1959	06/17/58	Special Legislation
289A	Public Safety: Fire Marshal	05/20/58	Chapter 30
290	Tax Levy 1958	06/02/59	Special Legislation
291	Animals: Running at Large	06/23/58	Chapter 3
293	Motor Vehicles	08/19/58	Chapter 24
294	Appropriation 1959-1960		Special Legislation
295	Tax Levy 1959	09/02/59	Special Legislation
296	Motor Vehicles: License Fee	03/07/60	Chapter 24
297	Vacation of Streets and Alleys	04/04/60	Special Legislation
300	Telephone Service	03/02/59	Special Legislation
301	Utilities: Water and Sewer Systems	07/14/60	Chapter 38
301A	Rescinds Special Bond Election	08/01/60	Special Legislation
302	Utilities: Water & Sewer System	08/01/60	Chapter 38
303	Appropriation 1960	08/01/60	Special Legislation
304	Tax Levy	08/29/60	Special Legislation
305	Utilities: Water & Sewer Rates	10/10/60	Chapter 38
312	Utilities: Sewer Connections	03/06/61	Chapter 38
317	Street Lighting	10/17/61	Special Legislation
319	Appropriation 1961-1962	06/05/61	Special Legislation
320	Tax Levy	07/05/61	Special Legislation
321	Performance Bond	03/20/62	Special Legislation
322	Appropriation 1962-1963	03/20/62	Special Legislation
322A	Utilities: Sewer Inspections	03/20/62	Chapter 38
323	Offenses: Firearms – Minors	06/03/63	Chapter 27
323A	Nuisances: Abatement	06/03/63	Chapter 25
324	Public Safety: Civil Defense	04/17/62	Repealed
324A	Public Safety: Police Magistrate	04/17/62	Repealed
325	Annexation: Diocese of Belleville	04/17/62	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
326	Appropriation	08/21/62	Special Legislation
327	Utilities: Sewer Connections	09/04/62	Chapter 38
327A	Motor Vehicles: Parking	08/21/62	Chapter 24
328	Tax Levy	09/11/62	Special Legislation
329	Garbage: Collection	10/02/61	Chapter 16
330	Annexation: Smith-Hurs	08/06/62	Special Legislation
331	Ridge Trail Plat	11/30/62	Special Legislation
332	Cemetery: Board Manager		Repealed
333	Appropriation	07/06/63	Special Legislation
334	Annexation: Anderson	01/15/63	Special Legislation
334A	Tax Levy 1963	08/05/63	Special Legislation
335	Manufactured Housing: Parks	08/03/63	Repealed
335A	Administration: Mayor	10/07/63	Chapter 1
336	Tax Levy 1964-1965	07/06/64	Special Legislation
336A	3 rd Addition Countryside Gardens Plat	09/08/64	Special Legislation
337	Offenses: Open Burning	10/20/64	Chapter 27
337A	4 th Addition Countryside Gardens Plat	10/05/64	Special Legislation
338A	5 th Addition Countryside Gardens Plat	11/17/64	Special Legislation
338	Administration: Salaries	01/19/65	Repealed
339	6 th Addition Countryside Gardens Plat	04/21/65	Special Legislation
340A	7 th Addition Countryside Gardens Plat	04/21/65	Special Legislation
340	Appropriation 1965-1966	08/02/65	Special Legislation
341	8 th Addition Countryside Gardens Plat	04/21/65	Special Legislation
343	Manufactured Housing: Parks	08/30/65	Repealed
344	Tax Levy 1965-1966	09/07/65	Special Legislation
345	Street Lighting Contract	09/21/65	Special Legislation
346	Electric Power Contract	09/21/65	Special Legislation
347	Gas Franchise	10/07/65	Special Legislation
348	Taxation: Municipal Leasing Occupation Tax	10/04/65	Repealed
349	Annexation: Hill Road	01/03/66	Special Legislation
350	Nuisances: Junk Yards	01/03/66	Chapter 25
451	Telephone Service	05/02/66	Special Legislation
452	Annexation	06/20/66	Special Legislation
453	Appropriation 1966-1967	07/05/66	Special Legislation
454	Utilities: Rates	09/05/67	Repealed
455	Tax Levy 1966-1967	08/26/66	Special Legislation
456	Water and Sewer Bonds	10/10/66	Special Legislation
457	Water and Sewer Bonds	01/09/67	Special Legislation
457A	Special Bond Election	04/03/67	Special Legislation
458	Annexation	02/06/67	Special Legislation
459	Animals: Keeping Of	04/01/68	Chapter 3
459A	Boards: Planning Commission	06/04/68	Chapter 4
460	Annexation	05/01/67	Special Legislation
461	Taxation: Sales	07/10/67	Repealed
461A	Appropriation 1968-1969	08/20/68	Special Legislation
462	Taxation: Service	07/10/67	Repealed
462A	Administration: Prosecutor's Fee	08/20/68	Chapter 1
463	Tax Levy 1968-1969	09/03/68	Special Legislation
463A	Taxation: Service	07/24/67	Repealed
464	Vacation of Strip of Land	10/22/68	Special Legislation
464A	Appropriation 1967-1968	07/05/67	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
465	Preparation of Land	01/07/69	Special Legislation
466	Utilities: Water Deposit	03/18/69	Chapter 38
466A	Tax Levy	09/03/68	Special Legislation
467	Appropriation: 1969-1970	08/19/69	Special Legislation
468	Taxation: Sales	08/19/69	Repealed
469	Motor Vehicles: Disposal of Abandoned	09/02/69	Repealed
469	Motor Vehicles: Disposal of Abandoned	09/02/69	Chapter 24
470	Tax Levy 1969-1970	09/02/69	Special Legislation
471	Business Code	10/06/69	Chapter 7
472	Manufactured Homes: Restrictions	11/03/69	Repealed
473	Manufactured Home Park	11/18/69	Repealed
474	Annexation	06/02/70	Special Legislation
475	Manufactured Home Park	07/06/70	Repealed
476	Zoning Commission	10/06/69	Chapter 40
477	Appropriation 1970-1971	07/21/70	Special Legislation
478	Appropriation 1970-1971	07/21/70	Special Legislation
479	Utilities: Water and Sewer Rates	07/21/70	Chapter 38
480	Tax Levy 1970-1971	08/03/70	Special Legislation
481	Public Safety: Police Department	01/19/71	Chapter 30
482	Administration: Salaries	05/18/71	Repealed
483	Annexation	08/04/71	Special Legislation
484	Appropriation 1971-1972	08/17/71	Special Legislation
485	Tax Levy 1971-1972	08/24/71	Special Legislation
486	Library Appropriation Bill	08/17/71	Special Legislation
487	Vacation of Streets & Alleys	08/28/71	Special Legislation
488	Garbage: Collection	12/07/71	Chapter 16
489	Streets: Construction of Sidewalks	1972	Chapter 33
490	Annexation: St. Stephens	03/07/72	Special Legislation
491	Employees: Residency	04/18/72	Chapter 11
492	Revised Code	06/06/72	New Code
493	Annexation: Bunkum Road	07/18/70	Special Legislation
494	Appropriation: 1972-1973	08/01/72	Special Legislation
495	Library Appropriation: 1972-1973	08/01/73	Special Legislation
496	Tax Levy 1972-1973	08/15/72	Special Legislation
497	Utilities: Water & Sewer Rates	10/24/72	Repealed
498	Annexation: Old Bunkum	02/06/73	Special Legislation
499	Motor Vehicles: Licenses	04/03/73	Chapter 24
500	Motor Vehicles: Abandoned	04/13/73	Repealed
501	Nuisances: Inoperable Vehicles	1973	Chapter 25
502	Appropriation 1973	07/03/73	Special Legislation
503	Annexation: Anderson	09/04/73	Special Legislation
504	Tax Levy 1973-1974	08/07/73	Special Legislation
505	Motor Vehicles: Truck Prohibited	09/04/73	Chapter 24
506	Census	11/20/73	Special Legislation
507	Liquor: Sales to Minors	1973	Chapter 21
508	Annexation: Davinroy	03/19/74	Special Legislation
509	Employees: Retirement	04/02/74	Chapter 11
510	Appropriation 1974	07/16/74	Special Legislation
511	Tax Levy 1974	08/06/74	Special Legislation
512	Mobile Homes: Definition	08/06/74	Chapter 40
513	Zoning Code: Residence	08/06/74	Chapter 40
514	Offenses: Destruction of Property	01/21/75	Chapter 27

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
515	Administration: Salaries	04/01/75	Repealed
516	Elections	03/18/75	Special Legislation
517	Encroachment on Public Property	1975	Special Legislation
518	Motor Vehicles: Parking	05/06/75	Chapter 24
519	Stormwater Control	05/06/75	Chapter 40
520	Boards: Police & Fire Commission	05/06/75	Chapter 4
521	Liquor: Fees & Hours	06/03/75	Chapter 21
522	Administration: Committees	06/17/75	Chapter 1
523	Public Safety: Police Chief	07/15/75	Chapter 30
524	Appropriation 1975-1976	07/23/75	Special Legislation
525	Tax Levy 1975-1976	08/19/75	Special Legislation
526	Administration: Conviction	08/19/75	Chapter 1
527	Annexation: Petroff	09/01/75	Special Legislation
528	Street Lighting Contract	09/02/75	Special Legislation
529	Electric Power Contract	09/02/75	Special Legislation
530	Annexation: Hayden	12/16/75	Special Legislation
531	Motor Vehicles: Traffic Signals	01/06/76	Ch. 24; Schd. "A", "B", "C", "D", "E"
532	Nuisances: Inoperable Vehicles	12/02/75	Chapter 25
533	Utilities: Water Deposit	03/02/76	Repealed
534	Utilities: Rates	03/02/76	Repealed
535	Public Safety: ESDA	03/02/76	Repealed
536	Utilities: Tap-On Fees	04/06/76	Repealed
537	Public Safety: Police Regulations	05/04/76	Chapter 30
538	Motor Vehicles: Traffic Signals	05/19/76	Ch. 24; Schd. "B", "D", "E"
539	Annexation: Smith	05/18/76	Special Legislation
540	Appropriation 1976-1977	07/29/76	Special Legislation
541	Annexation: Sycamore Drive	08/03/76	Special Legislation
542	Tax Levy 1976	08/17/76	Special Legislation
543	Motor Vehicles: Traffic Signals	08/17/76	Ch. 24; Schd. "D", "E"
544	Annexation: King	11/02/76	Special Legislation
545	Annexation	12/07/76	Special Legislation
546	Annexation: Phelps	02/01/77	Special Legislation
547	Annexation: Davinroy	03/01/77	Special Legislation
548	Annexation: Mattatal	03/01/77	Special Legislation
549	Election	02/15/77	Special Legislation
550	Annexation: E. O'Fallon Drive	04/20/77	Special Legislation
551	Annexation: Arbeiter	04/20/77	Special Legislation
552	Employees: Retirement Age	05/03/77	Chapter 11
553	Administration: Appointment	06/21/77	Chapter 1
554	Appropriation 1977-1978	07/09/77	Special Legislation
555	Public Safety: Police Matron	09/06/77	Chapter 30
556	Animals: Impoundment & Redemption	09/06/77	Chapter 3
557	Tax Levy 1977-1978	08/20/77	Special Legislation
558	Zoning Code	08/30/77	Repealed
559	Animals: Rabies Inoculation	11/01/77	Chapter 3
560	Motor Vehicles: Regulations	12/20/77	Ch. 24; Schd. "F", "G", "H"
561	Personal Property Usage Tax	02/07/78	Special Legislation
562	Offenses: Curfew	06/20/78	Chapter 27
563	Annexation: Bauer	06/20/78	Special Legislation
564	Appropriation 1978-1979	07/05/78	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
565	Prevailing Wage	07/05/78	Special Legislation
566	Tax Levy 1978-1979	09/05/78	Special Legislation
567	Public Safety: Village Marshal	07/18/78	Repealed
568	Checks with Insufficient Funds	09/05/78	Special Legislation
569	Streets: Culverts	09/05/78	Chapter 33
570	Streets: Sidewalks	09/05/78	Chapter 33
571	Appropriation 1978	09/05/78	Special Legislation
572	Tax Levy 1978-1979	09/05/78	Special Legislation
573	Annexation: Broadhead	02/06/79	Special Legislation
574	Manufactured Home Construction	02/20/79	Special Legislation
575	Election	02/20/79	Special Legislation
576	Public Safety: Police Pension Fund	06/05/79	Chapter 30
577	Appropriation 1979-1980	07/17/79	Special Legislation
578	Property Maintenance	07/03/79	Chapter 40
579		08/07/79	
580	Utilities: Water Rates	07/09/79	Repealed
581	Utilities: Tap-On Fees	07/09/79	Repealed
582	Utilities: Sewer Connections	07/09/79	Repealed
583	Tax Levy 1979-1980	08/21/79	Special Legislation
584	Administration: IMRF	09/04/79	Chapter 1
585	Public Safety: ESDA	09/04/79	Chapter 30
586	Annexation: Santa Barbara	08/16/79	Special Legislation
587	Annexation: Santa Barbara	08/17/79	Special Legislation
588A	Motor Vehicles: Signs	10/02/79	Ch. 24; Schd. "I"
589	Motor Vehicles: Traffic Signals	10/16/79	Ch. 24; Schd. "J", "K"
591	Motor Vehicles: Traffic Signals	05/06/80	Ch. 24; Schd. "L", "M"
592	Appropriation 1980-1981	07/22/80	Special Legislation
593	Tax Levy 1980-1981	08/19/80	Special Legislation
594	Wheel Tax Fees	09/02/80	Special Legislation
595	Wheel Tax: Senior Citizens	09/02/80	Special Legislation
596	Utilities: Sewer Connection	10/21/80	Chapter 38
597	Flood Plain Code	02/17/81	Chapter 40
598	Board: Police & Fire Board	03/03/81	Chapter 4
599	Storm Sewers	06/16/81	Special Legislation
600	Encroachment of Right-of-Way	06/16/81	Special Legislation
601	Motor Vehicles: Parking	06/16/81	Chapter 24
602	Appropriation 1981-1982	07/07/81	Special Legislation
603	Tax Levy 1981-1982	09/01/81	Special Legislation
604	Motor Vehicles: Refrigeration Units	10/13/81	Chapter 24
605	Taxation: Auto Renting Use Tax	01/05/82	Repealed
606	Taxation: Auto Renting Occupation Tax	01/05/82	Repealed
607	Administration: IMLRMA	03/03/82	Chapter 1
608	Motor Vehicles: Parking	04/07/82	Chapter 24
609	Business: Coin-Operated Machines	07/21/82	Chapter 7
610	Appropriation 1982-1983	07/21/82	Special Legislation
611	Utilities: Water Rates	08/11/82	Repealed
612	Utilities: Sewer Rates	08/11/82	Repealed
613	Tax Levy 1982-1983	08/18/82	Special Legislation
614	Utilities: Sewer Rates	09/01/82	Repealed
615	Liquor: Off-Premises After Closing	10/06/82	Chapter 21
616	Motor Vehicles	11/03/82	Chapter 24

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
617	Chamber of Commerce	11/17/82	Special Legislation
618	Utilities: Billing	11/17/82	Chapter 38
619	New Water Tower Bond	01/19/83	Special Legislation
620	Fiscal Year Same for All Funds	05/04/83	Special Legislation
621	Utilities: Tap-On Fees	06/01/83	Chapter 38
622	Business: License Fees	07/21/83	Chapter 7
623	Appropriation 1983-1984	07/21/83	Special Legislation
624	Water Tower	07/21/83	Special Legislation
625	Tax Levy 1983-1984	08/24/83	Special Legislation
626	Motor Vehicles: Stop Signs	09/21/83	Ch. 24; Schd. "L", "M"
627	Annexation: Rauckman Drive	10/19/83	Special Legislation
629	Traffic Signals Contract	12/21/83	Special Legislation
630	Barrett Street Dead End	01/18/84	Special Legislation
631	Utilities: Water Rates	03/21/84	Chapter 38
632	Offenses: Truancy	04/14/84	Chapter 27
633	Zoning: Political Signs	04/14/84	Chapter 40
634	Appropriation 1984-1985	05/16/84	Special Legislation
635	Union Electric Contract	06/06/84	Special Legislation
636	Taxation: Fire Tax	07/20/84	Chapter 36
637	Appropriation	08/15/84	Special Legislation
638	Tax Levy 1984-1985	08/30/84	Special Legislation
639	Utilities: Water & Sewer Rates	12/05/84	Repealed
640	Bell Franchise	12/05/84	Special Legislation
641	Motor Vehicles: Parking	01/16/85	Chapter 24
642	Zoning: Rezoning	01/16/85	Special Legislation
643	Employees: Hospitalization	01/16/85	Chapter 11
644	Annexation: Chevy Chase	01/21/85	Special Legislation
645	Administration: Salaries	01/21/85	Chapter 1
646	Utilities: Tap-On Fees	04/17/85	Repealed
647	Annexation: C. Thereon	04/17/85	Special Legislation
648	Annexation: R. Rauckman	04/17/85	Special Legislation
649	Annexation: L. Rupprecht	04/17/85	Special Legislation
650	Annexation: R. McMillin	04/17/85	Special Legislation
651	Bond Ordinance	06/12/85	Special Legislation
652	Zoning: Rezoning: Nursing Home	07/17/85	Special Legislation
653	Appropriation – 1985-1986	08/14/85	Special Legislation
654	Tax Levy 1985-1986	08/28/85	Special Legislation
655	Development Code	09/04/85	Chapter 40
656	Motor Vehicles: Caseyville School	10/16/85	Ch. 24; Schd. "E"
657	Street Lighting: Illinois Power	11/20/85	Special Legislation
658	Supply of Energy: Illinois Power	11/20/85	Special Legislation
659	Annexation: East End of Village	11/20/85	Special Legislation
660	Sale of Personal Property: Police Cars	11/26/85	Special Legislation
661	Interchange Area Plan	12/18/85	Special Legislation
662	Development Revenue Bond	12/18/85	Special Legislation
663	Zoning: Parabolic Dish Type Antenna	01/15/86	Chapter 40
664	Business: License Fees	02/05/86	Chapter 7
665	Motor Vehicles: 4-Way Stop	02/05/86	Chapter 24
666	Utilities: Water	02/19/86	Chapter 38
667	Annexation: Woodside	04/16/86	Special Legislation
668A	Motor Vehicles: Stop Signs	06/18/86	Chapter 24

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
668	Appropriation 1986-1987	08/27/86	Special Legislation
669	Motor Vehicles: 4-Way Stop	06/18/86	Chapter 24
668B	Administration: IL Municipal Pool Loan Program	07/16/86	Chapter 1
669	Tax Levy 1986-1987	09/03/86	Special Legislation
670	Utilities: Sewage Disposal System	09/03/86	Chapter 38
671	Street Lighting	09/17/86	Special Legislation
672	Annexation: Morgan & Sherbut	10/22/86	Special Legislation
673	Motor Vehicles: Stop Signs	11/19/86	Chapter 24
674	TIF District	12/30/86	Special Legislation
675	Annexation: Andruska	02/18/87	Special Legislation
676	Motor Vehicles: Parking	02/18/87	Chapter 24
677	TIF Dept of Rev Sales Tax	03/30/87	Special Legislation
678	Annexation: Courtney	04/01/87	Special Legislation
679	Mel Graf Retirement	04/15/87	Special Legislation
680	Business: Raffles	04/15/87	Chapter 7
681	Waterline Extension	04/26/87	Special Legislation
682	Motor Vehicles: Parking	05/05/87	Chapter 24
683	Utilities: Sewerage	05/05/87	Chapter 38
684	Encroachment	05/05/87	Special Legislation
685	Annexation: Rauckman & Tucker Dr.	05/05/87	Special Legislation
686	Annexation: Belleville Diocese	06/17/87	Special Legislation
687	Taxation: Municipal Service Occupation Tax	07/01/87	Repealed
688	Appropriation 1987-1988	08/19/87	Special Legislation
689	Tax Levy 1987-1988	08/26/87	Special Legislation
690	1 st National Bank of Collinsville	09/02/87	Special Legislation
691	Annexation: Local 100	09/02/87	Special Legislation
692	Annexation: Brzostowski	01/20/88	Special Legislation
693	Nuisances: Inoperable Vehicles	02/03/88	Chapter 25
694	Annexation: 4 acres off George St.	04/20/88	Special Legislation
695	Appropriation 1988-1989	08/17/88	Special Legislation
696	Utilities: Water and Sewer Rates	08/24/88	Repealed
697	Utilities: Tap-On Fees	08/24/88	Repealed
698	Tax Levy 1988-1989	08/31/88	Special Legislation
699	Mailbox Ordinance	09/07/88	Special Legislation
700	Zoning: Political Signs	12/07/88	Chapter 40
701	Motor Vehicles: Parking	12/21/88	Chapter 24
702	Employees: Residency	08/16/89	Chapter 11
703	Streets: Construction of Sidewalks	08/16/89	Chapter 33
704	Boards: Police Commission	08/16/89	Repealed
705	IEPA Loan Fund	08/30/89	Special Legislation
706	Appropriation 1989-1990	09/06/89	Special Legislation
707	Tax Levy 1989-1990	09/06/89	Special Legislation
708	TIF Boundaries	09/20/89	Special Legislation
709	Loan Agreement: Village & EPA	10/18/89	Special Legislation
710	Utilities: Sewer Charges	10/18/89	Chapter 38
711	Appropriate \$29,000.00 per year	10/18/89	Special Legislation
712	Annexation: Freeman	03/21/90	Special Legislation
713	Annexation: Wallace	03/21/90	Special Legislation
714	Buildings: Designated Smoking Areas	04/04/90	Chapter 6
715	Boards: Police Commission	04/18/90	Chapter 4
716	Prevailing Wage	07/18/90	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
717	Zoning: Rezoning: R. Busch	07/18/90	Special Legislation
718	Appropriation 1990-1991	08/30/90	Special Legislation
719	Liquor: Mini park	09/05/90	Chapter 21
720	Motor Vehicles: Stop Signs	09/05/90	Chapter 24
721	Traffic Signal Maintenance	09/19/90	Special Legislation
722	Addendum: Tucker Dr.	09/19/90	Special Legislation
723	Utilities: Discharge of Sewer	09/19/90	Chapter 38
724	Encroachment	09/19/90	Special Legislation
725	Motor Vehicles: Parking	09/19/90	Special Legislation
726	Streets: House Numbering	10/17/90	Chapter 33
727	Name Change: 100 Block Twin Dr.	11/07/90	Special Legislation
728	Name Change: 500 Block Twin Dr.	11/07/90	Special Legislation
729	Tax Levy 1990-1991	12/10/90	Special Legislation
730	Addition of Street	01/16/91	Special Legislation
731	Flood Plain Code	02/06/91	Repealed
732	Administration: Committees	05/01/91	Chapter 1
733		06/05/91	
734	Annexation: Seiber	07/17/91	Special Legislation
735	Annexation: Seiber	07/17/91	Special Legislation
736	Annexation: Wortman	07/17/91	Special Legislation
737	Appropriation 1991-1992	08/28/91	Special Legislation
738	Bell Telephone Franchise	09/18/91	Special Legislation
739	Motor Vehicles: Stop Signs	11/20/91	Chapter 24
740	Tax Levy 1991-1992	11/20/91	Special Legislation
741	Illinois Power Franchise	02/19/92	Special Legislation
742	Loan: Black Ln Lift Station	02/19/92	Special Legislation
743	Administration: Penalties	03/04/92	Chapter 1
744	Payment to IEPA	03/04/92	Special Legislation
745	Street Name Change	04/15/92	Special Legislation
746	Street Name Change	04/15/92	Special Legislation
747	Parks: Rules & Enforcement	05/20/92	Chapter 28
748	Motor Vehicles: Parking	08/12/92	Chapter 24
749	Utilities: Discharge of Waste	08/12/92	Chapter 38
750	Encroachment	08/12/92	Special Legislation
751	Motor Vehicles: Parking	07/01/92	Chapter 24
752	Vacation of Street	08/19/92	Special Legislation
753	Appropriation 1992-1993	08/19/92	Special Legislation
754	Annexation: Rolle	08/25/92	Special Legislation
755	Annexation: St. Philip's	08/25/92	Special Legislation
756	Tax Levy 1992-1993	12/16/92	Special Legislation
757	Annexation: Seiber	01/20/93	Special Legislation
758	Annexation: California Dr.	01/20/93	Special Legislation
759	Annexation: I-255 Forest Blvd	01/20/93	Special Legislation
760	Liquor: Licenses	03/03/93	Chapter 21
761	Business: Licenses	03/03/93	Chapter 7
762	Administration: Officials Inaug. Date	03/24/93	Ch. 1; Art. II
763	Offenses: Sale of Obscene Material	03/24/93	Chapter 27
764	Animals: General Provisions	07/21/93	Chapter 3
765	Taxation: Hotel/Motel Tax	08/18/93	Repealed
766	Business: Peddlers	08/18/93	Chapter 7
767	Appropriation	08/24/93	Special Legislation
768	Taxation: Hotel/Motel Tax	09/01/93	Chapter 36

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
769	Annexation: Wallace	10/06/93	Special Legislation
770	Annexation: Morgan	10/06/93	Special Legislation
771	Annexation: Baldus	11/03/93	Special Legislation
772	Annexation: Brauer	11/03/93	Special Legislation
773	Tax Levy 1993-1994	11/17/93	Special Legislation
774	Annexation: Hollywood Hgts	12/01/93	Special Legislation
775	Annexation: Church Ln	12/01/93	Special Legislation
776	Annexation: Hollywood Hgts	12/01/93	Special Legislation
777	Housing Inspections	01/19/94	Repealed
778	Water Line Extension	03/02/94	Special Legislation
779	Nuisances: Abandoned Vehicles	03/02/94	Chapter 25
780	Zoning: Fees	04/20/94	Chapter 40
781	Utilities: Rates	04/20/94	Repealed
782	Employees: Residency	05/18/94	Chapter 11
783	Annexation: Birk	06/01/94	Special Legislation
784	Annexation: Brown, Falcon & Voudrie	06/01/94	Special Legislation
785	Annexation: Snellenberger	06/15/94	Special Legislation
786	Annexation: Canada	06/15/94	Special Legislation
787	Annexation: Harrell	07/16/94	Special Legislation
788	Annexation: Tarr	07/16/94	Special Legislation
789	Revised Code: Amendment	08/03/94	
790	Annexation: McMillin	08/17/94	Special Legislation
791	Annexation: Billman	08/17/94	Special Legislation
792	Appropriation	08/17/94	Special Legislation
793	Utilities: Water Connection Fee	10/05/94	Chapter 38
794	Tax Levy 1994-1995	11/16/94	Special Legislation
795	Business: Solicitors	11/16/94	Chapter 7
796	Business: Coin-Operated Machines	01/04/95	Chapter 7
797	Rezoning	02/01/95	Special Legislation
798	Transfer of Road	02/15/95	Special Legislation
799	Cable Company Agreement	04/05/95	Special Legislation
800	TIF Redevelopment Plan #1	06/07/95	Special Legislation
801	Annexation: McDaniel	09/06/95	Special Legislation
802	Appropriation 1995-1996	08/16/95	Special Legislation
803	Development Code: Fences & Mobile Homes	08/16/95	Chapter 40
804	Zoning: Rezoning: Hayden	08/16/95	Special Legislation
805	Taxation: Utilities Tax	09/20/95	Chapter 36
806	Annexation: 7960 Bunkum Road	11/01/95	Special Legislation
807	Annex: Old Caseyville/Collinsville Rd	11/01/95	Special Legislation
808	Annex: Old Caseyville/Collinsville Rd	11/01/95	Special Legislation
809	Annexation: O'Fallon Drive	11/01/95	Special Legislation
810	Annexation: Near O'Fallon Drive	11/01/95	Special Legislation
811	Wheel Tax Repealing	11/29/95	Special Legislation
812	Streets: Construction of Sidewalks, Curbs, Gutters	11/29/95	Chapter 33
813	Transmission of False Alarms	11/29/95	Chapter 30
814	Nuisances: Weeds, Grasses, Trash	11/29/95	Chapter 25
815	TIF II Redevelopment Plan & Project	12/06/95	Special Legislation
816	Designing TIF II Area	12/06/95	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
817	TIF II Financing	12/06/95	Special Legislation
818	Pate & Sasak Corp Agrmt in TIF II	12/06/95	Special Legislation
819	Tax Levy 1995-1996	12/06/95	Special Legislation
820	Motor Vehicles: Rules of the Road	12/20/95	Chapter 24
821	Offenses	12/20/95	Chapter 27
822	Parks: Caseyville Park Rules	11/01/95	Chapter 28
823	Cable TV Sale	02/07/96	Special Legislation
824	Annexation: Wilson	02/07/96	Special Legislation
825	Annexation: Lee	02/07/96	Special Legislation
826	Repealing IL Municipal Insurance	02/07/96	Special Legislation
827	Utilities: Tap-On Fees	02/07/96	Chapter 38
828	Annexation: Lee	02/21/96	Special Legislation
829	Garbage: Trash Hauling	02/21/96	Chapter 16
830	Redevelopment Plan & Project	03/20/96	Special Legislation
831	Designating Area Black Ln TIF	03/20/96	Special Legislation
832	Black Lane Area TIF	03/20/96	Special Legislation
833	Amendment #3 to TIF Plan	03/20/96	Special Legislation
834	Utilities: Water Service Charges	03/20/96	Chapter 38
835	Annexation: Humes	04/03/96	Special Legislation
836	Annexation: Behrman	04/03/96	Special Legislation
837	Taxation: Hotel/Motel Tax	04/03/96	Chapter 36
838	UE Street Light Contract	05/01/96	Special Legislation
839	Water Extension	06/19/96	Special Legislation
840	Appropriation	09/04/96	Special Legislation
841	TIF I Amendment #4	08/21/96	Special Legislation
842	TIF I "Hair Delight": Janice Wasser	10/11/96	Special Legislation
843	TIF I "Ferguson's T.V."	10/11/96	Special Legislation
844	Tax Levy 1996-1997	11/06/96	Special Legislation
845	Administration: Salaries	01/08/97	Chapter 1
845	Administration: Salaries	01/22/97	Chapter 1
846	Jarvis Water Extension	02/05/97	Special Legislation
847	Vacation of Alley	02/05/97	Special Legislation
848	Cable Franchise	03/05/97	Chapter 8
849	Taxation: Utility Tax	07/02/97	Chapter 36
850	Parks: Rules	07/16/97	Chapter 28
851	Appropriation	08/20/97	Special Legislation
852	Zoning: Fees	09/03/97	Chapter 40
853	Annexation: Brandenburg	09/17/97	Special Legislation
854	Annexation: Meyer	09/17/97	Special Legislation
855	Annexation: Rakers	11/05/97	Special Legislation
856	Annexation: Hines	11/05/97	Tabled
857	Development Code	09/17/97	Chapter 40
858	Flood Plain Code	09/17/97	Chapter 14
859	Annexation: Ind Engine	11/05/97	Tabled
860	Motor Vehicles: Stop Sign	11/18/97	Chapter 24
861	Tax Levy	12/17/97	Special Legislation
862	Annexation: Laken	02/18/98	Special Legislation
863	Development Code: PUD	02/18/98	Chapter 40
864	Utilities: Water Rates	03/04/98	Chapter 38
865	Taxation: Municipal Utility Tax	06/03/98	Chapter 36
866	Motor Vehicles: Load Limits	06/17/98	Chapter 24

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
867	Motor Vehicles: Parking	08/05/98	Chapter 24
868	TIF I Sales Tax Distribution	08/06/98	Special Legislation
869	Development Code: Stormwater	08/19/98	Chapter 40
870	Appropriation 1998-1999	08/19/98	Special Legislation
871	Utilities: Water Tap-On/Inspection Fees	08/19/98	Chapter 38
872	Taxation: Utility Tax	08/19/98	Chapter 36
873	Motor Vehicles: Parking	10/07/98	Chapter 24
874	Annexation: Hollywood Hgts TIF III	10/21/98	Special Legislation
875	Redevelopment Plan TIF III	10/21/98	Special Legislation
876	Designating TIF III Areas	10/21/98	Special Legislation
877	TIF III Financing	10/21/98	Special Legislation
878	TIF III Plan & Projects	11/04/98	Special Legislation
879	Cable TV Franchise	11/04/98	Chapter 8
880	Tax Levy	11/17/98	Special Legislation
881	Disconnection of Annexation: Hollywood Heights Road	12/16/98	Special Legislation
882	TIF I Loan: Bud Light Darts	01/06/99	Special Legislation
883	Annexation: Roesch	02/03/99	Special Legislation
884	Annexation: IDOT near FAI Route 255	02/03/99	Special Legislation
885	Vacation of Alley	03/03/99	Special Legislation
886	Road Dedication: Townsley Lane	04/21/99	Special Legislation
887	Taxation: Hotel/Motel Tax	04/21/99	Chapter 36
888	Business: License & Vending Machines	05/05/99	Chapter 7
889	Dedication of Forest Mobile Home Park	05/05/99	Special Legislation
890	Offenses: Minors; Tobacco	05/05/99	Chapter 27
891	Business: Licenses	05/19/99	Chapter 7
892	Annexation: Moore	06/02/99	Special Legislation
893	Borrow Funds for Water Tower	06/02/99	Special Legislation
894	Appropriation 1999-2000	08/18/99	Special Legislation
895	Borrow Funds from Public Water Supply	09/01/99	Special Legislation
896	Utilities: Rules & Regulations	10/06/99	Chapter 38
897	Borrow Funds	10/20/99	Special Legislation
898	Utilities: Rules	10/20/99	Chapter 38
899	Tax Levy 1999-2000	12/22/99	Special Legislation
900	TIF Interested Parties Registration	01/05/99	Special Legislation
901	Annexation: Industrial Engine	02/02/00	Special Legislation
902	Annexation: Polish War Veteran's	02/02/00	Special Legislation
903	Annexation: Moore	02/02/00	Special Legislation
904	Offenses: Cannabis	02/16/00	Chapter 27
905	Annexation: Rt 157 & Rt 50	02/16/00	Special Legislation
906	Nuisances: Litter	04/05/00	Chapter 25
907	Motor Vehicles: Parking	04/19/00	Chapter 24
908	Appropriation 2000-2001	08/16/00	Special Legislation
909	Annexation: Biggs	09/06/00	Special Legislation
910	Zoning: Fees	09/20/00	Chapter 40
911	Utilities: Water Charges	10/04/00	Chapter 38
912	TIF II	10/18/00	Special Legislation
913	TIF III	10/18/00	Special Legislation
914	Black Lane TIF	10/18/00	Special Legislation
915	Tax Levy 2000-2001	12/06/00	Special Legislation
916	Taxation: Taxpayer's Rights	01/17/01	Chapter 36
917	Motor Vehicles: Parking	02/07/01	Chapter 24

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
918	Utilities: Water Rates	03/07/01	Chapter 38
919	Annexation: Ferguson	04/03/01	Special Legislation
920	Liquor: Licenses	04/18/01	Chapter 21
921	Motor Vehicles: Speed Limits	04/18/01	Chapter 24
922	Business: License Fees	05/16/01	Chapter 21
923	Appropriation 2001-2002	08/23/01	Special Legislation
924	Jarvis Area Castle Ridge	10/03/01	Special Legislation
925	Motor Vehicles: Stop Signs	10/03/01	Chapter 24
926	Freedom of Information	11/07/01	Chapter 22
927	Zoning: Rezoning: Black Lane	12/05/01	Special Legislation
928	Tax Levy 2001-2002	12/05/01	Special Legislation
929	Business: Fees	12/19/01	Chapter 7
930	Exchange of Real Estate	12/19/01	Special Legislation
931	Annexation: Martinez	01/02/02	Special Legislation
932	Extension of Old Country Inn Drive	02/06/02	Special Legislation
933	Business: License Fees	03/06/02	Chapter 7
934	Zoning: Fees	03/06/02	Chapter 40
935	IDOT: 157 Lincoln	05/15/02	Special Legislation
936	IEPA Loan	05/15/02	Special Legislation
937	Agreement for Real Estate	05/15/02	Special Legislation
938	Annexation: Petroff	07/03/02	Special Legislation
939	EPA Water Loan Program	07/17/02	Special Legislation
940	Appropriation 2002-2003	08/21/02	Special Legislation
941	Buildings: Occupancy Inspection	11/06/02	Chapter 6
942	Zoning: Fees	11/06/02	Chapter 40
943	Business: License Fees	11/06/02	Chapter 7
944	Motor Vehicles: Stop Signs	11/19/02	Chapter 24
945	Tax Levy 2002-2003	12/18/02	Special Legislation
946	Loan Agreement	01/15/03	Special Legislation
947	Annexation: Stanley	02/05/03	Special Legislation
948	Annexation: Golightly	03/19/03	Special Legislation
949	Annexation: IDOT	04/02/03	Special Legislation
950	Public Safety: MABAS Agreement	06/18/03	Chapter 30
951	Appropriation 2003-2004	06/18/03	Special Legislation
952	Flood Plain Code	08/20/03	Chapter 40
953	TIF Financing Interested Parties	09/03/03	Special Legislation
953A	Zoning: Rezoning: Bennett	08/20/03	Special Legislation
954	Utilities: Permits	09/17/03	Chapter 38
955	Zoning: Rezoning: Shafer	09/17/03	Special Legislation
956	Liquor: Sale	10/01/03	Chapter 21
957	Motor Vehicles: Load Limits	10/15/03	Chapter 24
958	Flood Plain Code	11/05/03	Chapter 40
959	Community Center	11/19/03	Repealed
960	Purchase of Real Estate	12/17/03	Special Legislation
961	Rezoning TIF III	12/17/03	Special Legislation
962	Zoning: Rezoning: Bennett	12/17/03	Special Legislation
963	Tax Levy 2003-2004	12/17/03	Special Legislation
964	Comprehensive Plan Update	01/21/04	Special Legislation
965	Utilities: Water Rates	01/21/04	Chapter 38
966	Development Code	02/18/04	Chapter 40
967	Zoning: Variance: Vandalia Bus	02/18/04	Special Legislation
968	Tax Increment Redevelopment Plan	04/07/04	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
969	Zoning: Rezoning: Illini Environment	04/07/04	Special Legislation
970	Zoning: Rezoning: E Side Tool	04/07/04	Special Legislation
971	Purchase of Real Estate	04/07/04	Special Legislation
972	Exemption of Redevelopment Sports Choice TIF III	05/12/04	Special Legislation
973	Annexation: Lincoln, Apache, Sioux	06/02/04	Special Legislation
974	Annexation: Bunkum Rd & 82 nd St	06/02/04	Special Legislation
975	Administration: Ethics Act	06/02/04	Chapter 1
976	Rezoning: 8600 Forest Blvd	06/17/04	Special Legislation
977	Rezoning: TIF III	06/30/04	Special Legislation
978	Tabled	08/04/04	
978	Buildings: Construction Inspector	08/18/04	Chapter 6
979	Appropriation 2004-2005	08/25/04	Special Legislation
980	Bennet – Level St	10/06/04	Special Legislation
981	Quinn – 8205 Bunkum Rd	10/20/04	Special Legislation
982	Execution of Redevelopment Agrmnt Sports Choice LLC	11/04/04	Special Legislation
983	Issuance of Revenue Bonds	12/01/04	Special Legislation
984	Tax Levy 2004-2005	11/30/04	Special Legislation
985	Luebbers	10/20/04	Special Legislation
986	Illini Environmental	01/19/05	Special Legislation
987	Caseyville Community Center	01/19/05	Chapter 28
988	Annexation: Sports Choice	01/19/05	Special Legislation
989	Annexation: Golightly	02/02/05	Special Legislation
990	Public Safety: MABAS	02/16/05	Chapter 30
991	Business District 159	03/02/05	Special Legislation
992	Utilities: Cross-Connection Control	04/20/05	Chapter 38
993	Utilities: Water Rates	05/18/05	Chapter 38
994	Annexation: Whitt	05/18/05	Special Legislation
995	Annexation: Hilscher	05/18/05	Special Legislation
996	Annexation: Tamburello	05/18/05	Special Legislation
997	IEPA Loan - \$3.2 Million	06/15/05	Special Legislation
998	Zoning: Variance: Vandalia Bus Lines	07/06/05	Special Legislation
999	Offenses: Burning	07/06/05	Chapter 27
1000	Caseyville Community Center	07/13/05	Chapter 28
1001	Zoning: Variance: Forest Lakes Streets	07/13/05	Special Legislation
1002	Annexation: Power	08/04/05	Special Legislation
1003	Annexation: Pryor	08/04/05	Special Legislation
1004	Prevailing Wage	08/04/05	Special Legislation
1005A	Appropriation 2005-2006	08/31/05	Special Legislation
1005	Addition of Street	11/02/05	Special Legislation
1006	Zoning: Variance: American Heritage	10/19/05	Special Legislation
1007	Zoning: Variance: Sports Choice	10/19/05	Special Legislation
1008	Annexation: 81 st and Forest	11/02/05	Special Legislation
1009	Annexation: 8020 & 8035 N Illinois	12/07/05	Special Legislation
1010	Annexation: 100 MPH Club	12/07/05	Special Legislation
1011	Tax Levy 2005-2006	2005	Special Legislation
1012	Zoning: Variance: Forest Lakes	12/21/05	Special Legislation
1013	Annexation: Perry	01/18/06	Special Legislation
1014	Extension Old Country Inn Dr	02/15/06	Special Legislation
1015	Public Safety: Fire Department	06/21/06	Chapter 30
1016	Utilities: Water & Sewer Tap-On Fees	07/05/06	Chapter 38

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1017	Caseyville Community Center	07/05/06	Chapter 28
1018	Appropriation	08/16/06	Special Legislation
1019	Zoning: Variance: Rule	09/06/06	Special Legislation
1020	Addition of Chance Parkway to Street System	12/05/06	Special Legislation
1021	Develop Costs Reimbursed	12/20/06	Special Legislation
1022	Zoning: Map: S Main St	12/20/06	Special Legislation
1023	Zoning: Map: Pardue Dr	12/20/06	Special Legislation
1024	Addition: Geo Chance Parkway	12/20/06	Special Legislation
1025	Tax Levy	12/20/06	Special Legislation
1026	Utilities: Water Charges	01/17/07	Chapter 38
1027	Annexation: Stofiel	02/07/07	Special Legislation
1028	Annexation: McMillin	02/07/07	Special Legislation
1029	Annexation: Elliott	02/07/07	Special Legislation
1030	Annexation: Cummings	02/07/07	Special Legislation
1031	Zoning: Variance: Caseyville Sports	02/21/07	Special Legislation
1032	Zoning: Variance: Caseyville Sports	02/21/07	Special Legislation
1033	Zoning: Variance: Caseyville Sports	02/21/07	Special Legislation
1034	Real Estate Exchange	02/21/07	Special Legislation
1036	Zoning: Variance	06/06/07	Special Legislation
1040	Appropriation	12/19/07	Special Legislation
1041	Development Code	12/19/07	Chapter 40
1042	Business Code	12/19/07	Chapter 7
1043	Liquor Code	12/19/07	Chapter 21
1044	Building/Business	12/19/07	Ch. 7; 21; 40; 15
1045	Animals	12/19/07	Chapter 3
1046	Keller Farms: Eminent Domain	01/02/08	Special Legislation
1047	Business District 159	02/20/08	Special Legislation
1048	Zoning: Rezoning: 1901 N 89 th St	02/20/08	Special Legislation
1049	Zoning: Rezoning: Highway 157	02/20/08	Special Legislation
1050	Caseyville Community Center	02/20/08	Ch. 28; Art. III
1051	Cable TV: Customer Protection Law	03/19/08	Ch. 8; Art. V
1052	Cable TV: Service Provider Fee	03/19/08	Ch. 8; Art. IV
1053	Streets: Utility Facilities	03/19/08	Ch. 33; Art. X
1054	Surplus Property	03/19/08	Special Legislation
1055	Business: Tattoo Establishments	03/19/08	Ch. 7; Art. V
1056	Annexation: Bethel Mine Road	04/02/08	Special Legislation
1057	Parks: Rules	04/02/08	Ch. 28; Art. I
1058	Tax Levy	05/07/08	Special Legislation.
1059	Community Center Fee Schedule	05/07/08	Ch. 28; Sched. "G"
1060	Annexation: 1220 Perry Place	06/04/08	Special Legislation
1061	Annexation: 40 Sycamore Drive	07/02/08	Special Legislation
1062	Annexation: I255/Bunkum Rd	07/16/08	Special Legislation
1063	Appropriation	08/06/08	Special Legislation
1064	Motor Vehicles: Commercial Traffic	08/06/08	Section 24-6-11
1065	Utilities: Water Rates	08/20/08	Chapter 38
1066	Annexation: McCall	09/17/08	Special Legislation
1067	Annexation: Heartland Church	11/05/08	Special Legislation
1068	Business: Solicitors	10/01/08	Ch. 7; Art. II
1069	Taxation: Business District Taxes	10/15/08	Chapter 36
1070	Mandated Policies: Identity Theft	10/15/08	Chapter 22
1071	Administration: Village Collector	10/15/08	Chapter 1
1072	Annexation: Illinois Power	11/05/08	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1073	Community Center: Reservations	11/05/08	Chapter 28
1074	Building Regulations: Building Code	11/05/08	Chapter 6
1075	Public Safety: Conflict of Interest	11/05/08	Chapter 30
1076	Tax Levy	12/17/08	Special Legislation
1077	Motor Vehicles: Parking	12/17/08	Chapter 24
1078	Annexation: Ronald Chinn	01/07/09	Special Legislation
1079	Taxation: Motels	02/04/09	Chapter 36
1080	Zoning: Map: Dr. Ritchie	03/18/09	Special Legislation
1081	Zoning: Map: Ritchie Bros.	03/18/09	Special Legislation
1082	Zoning: Variance: Ritchie Bros.	03/18/09	Special Legislation
1083	Zoning: Variance: Ritchie Bros.	03/18/09	Special Legislation
1084	Zoning: Variance: Ritchie Bros.	03/18/09	Special Legislation
1085	Motor Vehicles: Limiting Access	03/18/09	Chapter 24
1086	Administration: Deputy Clerk	05/06/09	Chapter 1
1087	Administration: Rules of Procedure	05/06/09	Chapter 1
1088	Administration: Job Descriptions	05/06/09	Chapter 1
1089	Motor Vehicles: Impoundment	06/17/09	Chapter 24
1090	Surplus Property	08/19/09	Special Legislation
1091	Appropriation	08/19/09	Special Legislation
1092	Street Name Change	10/21/09	Special Legislation
1093	Referendum: Police Protection	11/16/09	Special Legislation
1094	TIF Project Area Number One	12/16/09	Special Legislation
1095	Tax Levy	12/16/09	Special Legislation
1096	Mandated Policies: FOIA	12/16/09	Chapter 22
1097	Community Center: Regulations	06/06/18	Repealed
1098	Zoning: Map: Ritchie Bros.	01/20/10	Special Legislation
1099	Zoning: Variance: Ritchie Bros.	01/20/10	Special Legislation
1100	Zoning: Variance: Ritchie Bros.	01/20/10	Special Legislation
1101	Business: Hotel and Motel Inspection	03/17/10	Chapter 7
1102	Business License Fee Schedule	02/17/10	Chapter 7
1103	Administration: Public Works & General Foreman	02/17/10	Chapter 1
1104	Fee Schedule	04/21/10	Chapter 7
1105	Development Code: Sump Pumps	04/21/10	Chapter 40
1106	Parks: Pavilion Use	05/19/10	Chapter 28
1107	Liquor: Video Gaming	07/21/10	Chapter 21
1108	Appropriation	08/18/10	Special Legislation
1109	Business: Licensing Procedures	09/15/10	Chapter 7
1110	Zoning: Map: 909 S Main St	09/15/10	Special Legislation
1111	Development Code	09/15/10	Chapter 40
1112	Not Passed		
1113	Parks: Regulations	10/20/10	Chapter 28
1114	Not Used		
1115	Oliver Street Added	11/16/10	Special Legislation
1116	Motor Vehicles: Handicapped Parking	12/15/10	Chapter 24
1117	Tax Levy	12/15/10	Special Legislation
1118	Easement Acquisition	01/19/11	Special Legislation
1119	Public Safety: Police Officers	01/19/11	Ch. 30; Art. II
1120	Development Code	01/19/11	Chapter 40
1121	Comprehensive Plan for Roadway Imp	02/16/11	Special Legislation
1122	Zoning: Map: Black Lane	03/16/11	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1123	Zoning: Map: Black Lane	03/16/11	Special Legislation
1124	Village Hall Rules and Regulations	04/20/11	Chapter 1
1125	Authorizing Treasurer to Make Certain Payments	06/15/11	Special Legislation
1126	Zoning: Variance: Illinois Central School Bus Company	06/15/11	Special Legislation
1127	Termination of Tax Increment Area #1	07/20/11	Special Legislation
1128	Surplus Property	07/20/11	Special Legislation
1129	Appropriation	08/17/11	Special Legislation
1130	Zoning: Variance	10/19/11	Special Legislation
1131	FOIA: Provisions for Compliance	10/19/11	Chapter 22
1132	Administration: Conflicts of Interest Policy	10/19/11	Chapter 1
1133	Zoning: Variance: First Bank Sign	11/15/11	Special Legislation
1134	Tax Levy	12/21/11	Special Legislation
1135	Development Code: Content	02/15/12	Chapter 40
1136	Zoning: Map: TBHP LLC	02/15/12	Special Legislation
1137	Administration: Rules of Procedure	02/15/12	Chapter 1
1138	Surplus Property	03/21/12	Special Legislation
1139	Zoning: Variance: Jade Garden	04/18/12	Special Legislation
1140	8724 Garden Avenue: Immediate Hazard	04/18/12	Special Legislation
1141	Zoning: Variance: Kim's Canine Club	06/20/12	Special Legislation
1142	Public Safety: Part-Time Police Officers	06/20/12	Ch. 30; Art. II
1143	Business: Hotel and Motel Regulations	07/18/12	Chapter 7
1144	Appropriation	08/15/12	Special Legislation
1145	Subdivision Variance: Emerald Valley Est	10/17/12	Special Legislation
1146	Motor Vehicles: Abandoned	10/17/12	Chapter 24
1147	Development Code: Betting	11/20/12	Chapter 40
1148	Tax Levy	12/19/12	Special Legislation
1149	Administration: Rules of Procedure	06/19/13	Chapter 1
1150	Administration: Job Descriptions	12/18/13	Chapter 1
1151	Appropriation	08/21/13	Special Legislation
1152	Surplus Property	09/18/13	Special Legislation
1153	Utilities: Water Rates	10/16/13	Chapter 38
1154	Annexation: Hollywood Heights Elem. Sch.	11/20/13	Special Legislation
1155	Tax Levy	11/20/13	Special Legislation
1401	Public Safety: Charge Mitigation Fees for the Deployment of Emergency and Non-Emergency Services by the Fire Dept. for Services Provided/ Rendered for the Caseyville Fire Association	02/19/14	Chapter 30
1402	Business: Raffles	02/19/14	Chapter 7
1403	Not Used		
1404	Motor Vehicles: Impoundment	02/19/14	Chapter 24
1405	Not Used		
1406	Public Safety: Police Policy Manual	03/19/14	Chapter 30
1407	Public Safety: Hiring & Firing	03/26/14	Chapter 30
1408	Administration: Village Board Committee	04/16/14	Chapter 1
1409	Buildings: Inspections	05/21/14	Chapter 6
1410	Not Used		
1411	Submission to the Electors to Arrange for the Supply of Electricity	08/13/14	Special Legislation
1412	Public Safety: Mutual Aid Contract	09/17/14	Chapter 30
1413	Taxation: Hotel or Motel Room Tax	09/17/14	Chapter 36

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
1414	Lease of Property: 1502 Black Lane	09/17/14	Special Legislation
1415	Appropriation	11/19/14	Special Legislation
1416	Tax Levy	12/10/14	Special Legislation
1417	Enterprise Zone	12/10/14	Special Legislation
1418	Not Used		
1501	Parks and Community Center	06/06/18	Repealed
1502	Offenses: Noise Pollution	02/18/15	Chapter 27
1504	Surplus Property	06/17/15	Special Legislation
1505	Change to Tanglewood Parkway	06/17/15	Special Legislation
1506	Surplus Property	07/15/15	Special Legislation
1508A	Administration: Rules	08/26/15	Chapter 1
1511	Business: Raffles & Poker Runs	08/26/15	Chapter 7
1512	Appropriation	08/26/15	Special Legislation
1513	Development Code: Building Codes	10/21/15	Ch. 40; Art. VIII
1514	Tax Levy	10/07/15	Special Legislation
1515	Development Code	10/21/15	Chapter 40
1516	Lease Agreement: Gateway FC	10/21/15	Special Legislation
1517	Tax Levy	12/16/15	Special Legislation
1518	Public Safety: MABAS Agreement	12/02/15	Section 30-3-11; Appendix "B"
1519A	Surplus Property	02/03/16	Special Legislation
1601	Business: Raffles and Poker Runs	01/20/16	Ch. 7; Art. VII
1602	Temporary Utility Permits	02/03/16	Special Legislation
1603	Motor Vehicles: Golf Carts	03/02/16	Ch. 24; Art. IX
1604	Lease Agreement: Woody's Pub & Grill LLC	04/06/16	Special Legislation
1605	Taxation: Hotel & Motel Tax	04/06/16	Ch. 36; Art. VII
1606	Special Service Area	04/06/16	Special Legislation
1607	Issuance of Bonds	04/06/16	Special Legislation
1608	Surplus Property	06/01/16	Special Legislation
1609	Annexation: 400 Guy Street	07/20/16	Special Legislation
1611	Establishing Special Service Area	07/20/16	Special Legislation
1612	Issuance of Tax Bond	07/20/16	Special Legislation
1613	Development Code: Permit Fee Schedule	08/03/16	Ch. 40; Schedule "B"
1614	Appropriation	08/17/16	Special Legislation
1615	Development Code: Electric Code Adoption	08/17/16	Section 40-8-4
1617	Liquor: Licenses	09/07/16	Section 21-2-6
1618	Taxation: Electric Utility Tax	09/07/16	Ch. 36; Art. V
1701	Revised Code of Ordinances	01/04/17	New Code
1702	Public Hearing Date to Establish Business Dist #2	01/18/17	Special Legislation
1703	Surplus Property	02/01/17	Special Legislation
1706	Establishing I-64 Business District	03/01/17	Special Legislation
1707	Business: Food Truck Regulations	04/05/17	Ch. 7; Art. X
1708	Business: Massage Establishments	04/05/17	Ch. 7; Art. XI
1709	Motor Vehicles: Abandoned Vehicles	06/21/17	Ch. 24; Art. VII
1711	Business: Raffles & Poker Runs	05/17/17	Secs. 7-7-1; 7-7-3
1712	Zoning: Swimming Pools	06/21/17	Section 40-2-62
1713	Occupancy Permits	07/19/17	Section 40-9-1
1714	Motor Vehicles	08/16/17	Section 24-1-1
1715	Appropriation	08/30/17	Special Legislation
1716	Parks and Community Center	06/06/18	Repealed
1717	Offenses: Child Safety Zones	11/01/17	Ch. 27; Art. XVIII
1718	Tax Levy	12/20/17	Special Legislation
1720	Parks and Community Center	12/20/17	Section 28-2-9

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
18-01	Motor Vehicles: Impoundment of Vehicles	01/17/18	Ch. 24; Art. VIII
18-02	Mandated Policies: Sexual Harassment	02/07/18	Ch. 22; Art. IX
18-03	Employees: Drug & Alcohol Use	02/07/18	Ch. 11; Art. III
18-05	Employee Code	03/21/18	Chapter 11
18-06	Boards: Plan Commission	04/04/18	Section 4-1-2
18-07	Offenses: Noise	04/04/18	Section 27-2-35(B)(C-3)
18-08	Business: Raffles	04/04/18	Section 7-7-8
18-09	Liquor: Beer Garden	04/04/18	Section 21-3-21
2018-10-A	Fees Schedule	04/18/18	Chapter 7
2018-10-B	Use And Reservation of Community Center	06/06/18	Chapter 28
2018-11-A	Business Code	04/18/18	Chapter 7
2018-16	Animals	09/19/18	Chapter 3
2018-18	Utility Tax	09/19/18	Chapter 36
2018-19	Approving Business District 2 Collection of Sales Tax	09/19/18	
2018-20	Regulating the Issuance of Liquor Licenses and Granting the Mayor Certain Powers as the Liquor Commissioner	09/27/18	Chapter 21
2018-21	Amending Article V – An Ordinance Taxing Certain Utilities Conducting Business Within the Corporate Limits of the Village	11/07/18	Art. V
2018-22	Tax Levy for 2018-2019	12/05/18	Special Legislation
2019-01	Amend Article V – An Ordinance Taxing Certain Utilities Conducting Business Within the Corporate Limits of the Village of Caseyville	01/16/19	Chapter 36
2019-02	Amend #1513 Caseyville Construction Codes	02/07/19	Chapter 40
2019-03	Amend Ordinance #1044, Fee Schedules A, B And C	02/07/19	Chapter 40
2019-04	Amend The Caseyville TIF II Redevelopment Project Area Removing Certain Parcels from Said Project Area	02/20/19	
2019-05	Denial Ordinance to Amend Section 4-Class "F" Licenses Ordinance #1043 Regulating Sale of Alcohol Within Corporate Limits of Village	03/20/19	Section 4
2019-06	Annexation of 7914 DelMonte Road	03/20/19	
2019-07	Noeth Annexation, 1950 S. Morrison & 1978 S Morrison	03/15/19	
2019-08	Requiring Structure to Have Key Lock Box Installed on Exterior for Fire Safety Purpose	06/05/19	
2019-09	Amending the Village FOIA's	06/19/19	Section 1-3-17
2019-10	Amending Ordinance #1150 for Village Clerk, Deputy Clerk and Office Manager	08/21/19	
2019-11	Annual Appropriations for the Fiscal Year 6/1/19 Through 5/31/20	08/21/19	
2019-12	Implementation of the Illinois Cannabis Regulation and Tax Act	10/16/19	
2019-13	Imposing Tax on Recreational Marijuana Sales Within the Village	10/16/19	
2019-14	Authorizing the Annexation of Certain Real Properties	10/16/19	
2019-15	Annual Tax Levy for 2019-2020	12/18/19	
2019-16	Amending the Zoning District Regulations	12/18/19	Section 40-2-47

2019-17	Approving Request of Illini Environmental, Inc. Approval to Site A Pollution Control Facility	12/18/19	
2020-01	Annexation of 1950 S Morrison	02/05/20	
2020-02	Annexation of 1978 S Morrison	02/05/20	
2020-03	Annexation of 7914 Delmonte Road	02/05/20	
2020-04	Amending the Caseyville Black Lane TIF District Tax Increment Area Redevelopment Plan & Related Redevelopment Projects for the Caseyville Black Lane Tax Increment Redevelopment Project	03/18/20	
2020-05	Sewer and Water Tap Fees Documents and discussions not ready as of 3/24/20 Meeting. To be created and passed at a later date		
2020-06	Ordinance Increasing the Maximum Number of Video Gaming Terminals per License Establishment	03/18/20	Section 7-1-5
2020-07	Ordinance Pertaining to Local State of Emergency	03/24/20	
2020-08	Annual Appropriation Budget Commencing On 6/01/2020 and Ending on 05/31/2021	06/03/20	
2020-09	Pertaining to Local State of Emergency	06/03/20	
2020-10	Amending Ordinance #1417 Allowing Washington Park to be Part of the Caseyville Enterprise Zone	06/03/20	
2020-011	Setting Speed Limit for Forest Blvd. and Bunkum Road 81 st St. Area	07/15/20	
2020-012	Amending the Village Code Chapter 36, Article VII Regarding Hotel/Motel Occupancy Rental Units and Related Matters	08/05/20	Chapter 36; Art. VII
2020-13	Amending Black Lane TIF District Area Redevelopment for the Caseyville Black Lane TIF Increment Redevelopment Project Area of the Village of Caseyville, St. Clair County, IL	08/19/20	
2020-14	Ordinance Pertaining to Local State Emergency (COVID)	08/19/20	
2020-15	Authorizing Installation of Certain Street Signs and Speed Bump Along Coal Street	10/21/20	
2020-16	Annual Tax Levy 2020-2021	11/18/20	
2021-01	Dissolving the Special Tax Allocation Fund & Terminating the Designation of the Black Lane Tax District	2/17/2021	
2022-17	Ordinance Updating Chapter 38	08/17/22	Chapter 38
2021-02	Appropriations for the Fiscal Year commencing on the 1st day of June 2021 and ending on the 31st day of May 2022.		
2021-03	Establishing rules, regulations and permitting for the operation of side-by-sides on streets within the Village of Caseyville		
2021-04	Amending the Golf Cart Code, originally codified as Ordinance #1603		
2021-05	Adopting a revised code of ordinances for the Village of Caseyville's website from 2018 through 2020		
2021-06	Amending the Village of Caseyville Code of Ordinances Section 40-2-115		
2021-07	Amending the Village of Caseyville Code of Ordinances making Solar Energy Facilities a permitted use		

2021-08 Amending ordinance #2019-03, Schedule "B" Commercial and Industrial permit fees upper range from \$50,000,000 to \$150,000.00

2021-09 Annual Tax Levy Ordinance for 2021-2022

2021-10 An ordinance dissolving the Special Tax Allocation Fund and terminating the designation of the Tax Increment Financing District Redevelopment Project Area #3 within the Village of Caseyville

2022-01 An Ordinance annexing 1850 N. 81st Street to the Village of Caseyville, Illinois

2022-02 Amending Section 40-2-51 of Development Code Fences, Walls to add verbiage that Corner Lots may have a 6' tall privacy fence extended from the rear corner of house to right-of-way. Case No. PC-003-2022

2022-03 Authorizing the sale or disposal of surplus property

2022-04 Authorizing the sale or disposal of surplus property

2022-05 Amending Caseyville Village Code Business Code Article IV – Section 7-4-5 Gaming Machine Fees

2022-06 Revising Ordinance 2021-03 Removing Section 8 Sunset (Experimental Year)

2022-07 Revising the Current Village bidding threshold to contract from \$20,000 to \$25,000 and to match the Illinois Municipal Code threshold amount

2022-08 Amending Article X, Chapter 10 of the Revised Code of Ordinances pertaining to the operation and regulation of Mobile Food Trucks and Mobile Retail Vendors

2022-09 An Ordinance Amending Article II, Section 25-2-3 And Section 25-2-9 of the Revised Code of Ordinances Pertaining to Nuisance Violations

2022-10 An Ordinance Amending the Revised Code of Ordinances Pertaining to Special Events in Commercial Zoning Districts

2022-11 Annual Appropriation 2022-2023 – TABLED

2022-12 An Ordinance establishing rates & charges for the water & sewer service furnished by the combined waterworks and sewerage systems of the Village of Caseyville

2022-13 Ordinance that sets the Public Hearing dates for the Amendment of Business District #2 in Caseyville

2022-14 Ordinance that sets the Public Hearing dates for the Amendment of I-64 Business District in Caseyville

2022-15 NOT USED – Pulled from 8/17/2022 Agenda prior to release of Agenda

2022-16 NOT USED – Pulled from 8/17/2022 Agenda prior to release of Agenda

2022-17 Updating Chapter 38, Division 5 – Water Rates of the Code of Ordinances for the Village of Caseyville

2022-18 Amending Ordinance #2018-19; Establishing in Caseyville Business District #2; Approving a Business District Plan; Authorizing the imposition and collection of a sales tax within such business district; and approving certain actions in connection with the establishment of such business district

2022-19 An Ordinance amending Ordinance #1706; establishing the Caseyville I-64 Business District; approving a business district plan; authorizing the imposition and collection of a sales tax within such business district; and approving certain actions in connection with the establishment of such business district.

2022-20 An Ordinance amending Ordinance #2022-17 updating Chapter 38, Division 5, Section 3-78 connection charges, correcting the connection size to one and one-half (1 ½) inch or larger.

2022-21 An Ordinance Regulating Yard Sales

2022-22 Tax Levy and Assessment of Taxes for 2022

2022-23 Approving Membership in the Illinois Municipal League Risk Management Assoc & Authorizing the Execution of Intergovernmental Cooperation Contract

2022-24 Authorizing an Addendum to Mutual Aid Box Alarm System Agreement

2022-25 Implementing Franchise Fees for the use of Public Right of Way by Utility providers

2022-26 TABLED – Implementing a police surcharge on short-term rentals

2023-01 An Ordinance of the Village of Caseyville, IL authorizing the establishment of Tax Increment Financing "Interested Parties" registries & adopting Registration Rules for Registries

- 2023-02 Set Public Hearing for the Village of Caseyville Tax Increment Financing Redevelopment Plan & Project IV
- 2023-03 Approving the Caseyville TIA Plan & Redevelopment Project #4
- 2023-04 Designating the Caseyville Tax Increment Financial Redevelopment Project #4 Area
- 2023-05 Adopting Tax Increment Financing #4
- 2023-06 Amending Caseyville Village Code Business Code Article IV – Section 7-4-5 Gaming Machines Fees from \$50.00 to \$75.00
- 2023-07 Proposing Amendments to Section 21-3-2 of the Liquor Code
- 2023-08 Giving Department Heads, the Fire Chief, the Authority to Approve Expenditures
- 2023-09 TABLED - An Ordinance Pertaining to the Retainer of Insurance Proceeds for Building Demolitions
- 2023-10 Making Annual Appropriations for the Village of Caseyville Fiscal Year Commencing on the 1st of June, 2023 and Ending on the 31st of May, 2024
- 2023-11 Authorizing Outside Dining for Village Restaurants
- 2023-12 Requiring a Performance Bond (Retainer) for the Demolition of Select Buildings
- 2023-13 Establishing an Administrative Hearing Process for Violations of the Village Building and Development Code Hearing Department Pertaining to Building Code Enforcement
- 2023-14 An Ordinance Authorizing the Execution of the RMA Minimum/Maximum Contribution Agreement
- 2023-15 An Ordinance Approving Ground Lease with Woody'z Bar & Grill
- 2023-16 NOT USED – Pulled from Agenda prior to release of Agenda
- 2023-17 An Ordinance Ratifying Section 1 of Ordinance No. 849; Municipal Gas Tax Remaining at Three (3%) Percent
- 2023-18 An Ordinance Adopting a Revised Code of Ordinances for the Village of Caseyville's Website from 2021 through 2023
- 2023-19 An Ordinance for the Tax Levy and Assessment of Taxes for 2023 for the Village of Caseyville

ADMINISTRATION

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	GENERAL CODE PROVISIONS	
	<i>Division I - Title</i>	
	Section 1-1-1 - Title	1-1
	Section 1-1-2 - Acceptance	1-1
	Section 1-1-3 - Amendments	1-1
	Section 1-1-4 - Code Alteration	1-1
	Section 1-1-5 - Jurisdiction	1-1
	Section 1-1-6 - 1-1-7 Reserved	
	<i>Division II - Saving Clause</i>	
	Section 1-1-8 - Repeal of General Ordinances	1-2
	Section 1-1-9 - Public Utility Ordinances	1-2
	Section 1-1-10 - Court Proceedings	1-2
	Section 1-1-11 - Severability of Provisions	1-2
	Section 1-1-12 - Village Clerk's Certificate	1-2
	Section 1-1-13 - 1-1-14 Reserved	
	<i>Division III - Definitions</i>	
	Section 1-1-15 - Construction of Words	1-3
	Section 1-1-16 - Definitions	1-3
	Section 1-1-17 - Catchlines	1-5
	Section 1-1-18 - 1-1-19 Reserved	
	<i>Division IV - General Penalty</i>	
	Section 1-1-20 - Penalty	1-6
	Section 1-1-21 - Conviction – Commitment	1-6
	Section 1-1-22 - Service by Certified Mail	1-6
	Section 1-1-23 - Application	1-6
	Section 1-1-24 - Liability of Officers	1-7
	Section 1-1-25 - License	1-7
II	VILLAGE OFFICIALS	
	<i>Division I - Village Board of Trustees</i>	
	Section 1-2-1 - Composition and General Powers	1-8
	Section 1-2-2 - Regular Meetings	1-8
	Section 1-2-3 - Special Meetings	1-8
	Section 1-2-4 - Committees	1-8
	Section 1-2-5 - Special Committees	1-9
	Section 1-2-6 - Quorum	1-9
	Section 1-2-7 - Members Refusing to Attend	1-9
	Section 1-2-8 - 1-2-10 Reserved	
	<i>Division II - Rules of the Board</i>	
	Section 1-2-11 - Rules of the Board	1-9
	Section 1-2-12 - Agenda	1-12
	Section 1-2-13 - Address by Non-Members	1-12

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
II	VILLAGE OFFICIALS (CONTINUED)	
	<i>Division III – Ordinances</i>	
	Section 1-2-14 - Ordinances	1-13
	Section 1-2-15 - Reconsideration—Passing Over Veto	1-14
	Section 1-2-16 - No Vote to be Reconsidered at Special Meeting	1-14
	Section 1-2-17 - Reserved	
	 <i>Division IV - General Corporate Provisions</i>	
	Section 1-2-18 - Corporate Seal	1-14
	Section 1-2-19 - Elections	1-14
	Section 1-2-20 - Appointment of Elected Officials	1-15
	Section 1-2-21 - Municipal Officers - Regulations	1-15
	Section 1-2-22 - Resignation of Appointed Officials	1-16
	Section 1-2-23 - Qualifications; Elective Office	1-16
	Section 1-2-24 - Bonds of Village Officers	1-16
	Section 1-2-25 - Liability Insurance	1-17
	Section 1-2-26 - Bidding and Contract Procedures	1-17
	Section 1-2-27 - Salaries Regulation	1-19
	Section 1-2-28 - Claims	1-19
	Section 1-2-29 - Municipal Year	1-19
	Section 1-2-30 - Expenses - Reimbursement	1-19
	Section 1-2-31 - Official Records	1-19
	Section 1-2-32 - Federal Old Age and Survivor's Insurance System	1-19
	Section 1-2-33 - Illinois Municipal Retirement Fund	1-20
	Section 1-2-34 - Certificates of Insurance	1-20
	Section 1-2-35 - Smoking Prohibited	1-20
	Section 1-2-36 - Display of United States Flag	1-20
	Section 1-2-37 - Village Hall Regulations	1-20
	Section 1-2-38 - 1-2-39 Reserved	
	 <i>Division V - Vacancies</i>	
	Section 1-2-40 - Vacancy by Resignation	1-21
	Section 1-2-41 - Vacancy by Death or Disability	1-22
	Section 1-2-42 - Vacancy by Other Causes	1-22
	Section 1-2-43 - Election of an Acting Mayor	1-22
	Section 1-2-44 - Appointment to Fill Trustee Vacancy	1-22
	Section 1-2-45 - Election to Fill Vacancies in Municipal Offices With Four (4) Year Terms	1-23
	Section 1-2-46 - Vacancies Due to Election Being Declared Void	1-23
	Section 1-2-47 - Owing a Debt to the Municipality	1-23
	Section 1-2-48 - 1-2-49 Reserved	
	 <i>Division VI – Conflict of Interest Policy</i>	
	Section 1-2-50 - Statutes Adopted by Reference	1-24
	Section 1-2-51 - Definitions	1-24
	Section 1-2-52 - Prohibited Activities	1-24
	Section 1-2-53 - Board Declares Emergency	1-25
	Section 1-2-54 - Ownership in Businesses	1-25
	Section 1-2-55 - Disclosure and Recusal	1-25
	Section 1-2-56 - Enforcement and Removal	1-26

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
III	ELECTED OFFICERS AND OFFICIALS	
	<i>Division I - Mayor</i>	
	Section 1-3-1 - Election	1-29
	Section 1-3-2 - Mayor Pro-Tem; Temporary Chairman	1-29
	Section 1-3-3 - Vacancy	1-29
	Section 1-3-4 - Chief Executive Officer	1-29
	Section 1-3-5 - Mayor's Signature	1-29
	Section 1-3-6 - Appointment of Officers	1-30
	Section 1-3-7 - Supervise Conduct of Officers; Removal of Officers	1-30
	Section 1-3-8 - Designation of Officers' Duties	1-30
	Section 1-3-9 - Formal Occasions	1-30
	Section 1-3-10 - General Duties	1-30
	Section 1-3-11 - Business License Commissioner	1-30
	Section 1-3-12 - Local Liquor Commissioner	1-31
	Section 1-3-13 - Health Commissioner	1-31
	Section 1-3-14 - Deciding Vote - Mayor	1-31
	Section 1-3-15 - Reserved	
	 <i>Division II - Village Clerk</i>	
	Section 1-3-16 - Elected, Part-Time	1-31
	Section 1-3-17 - Job Duties	1-31
	Section 1-3-18 - Publication of Ordinances; Board Minutes; Records	1-32
	Section 1-3-19 - Delivery of Papers to Officers	1-32
	Section 1-3-20 - Preparation of Documents, Commissions and Licenses	1-32
	Section 1-3-21 - Report of Licenses	1-32
	Section 1-3-22 - Delivery of Licenses	1-33
	Section 1-3-23 - Administration of Oaths	1-33
	Section 1-3-24 - Outstanding Bonds	1-33
	Section 1-3-25 - Reports	1-33
	Section 1-3-26 - Successor	1-33
	Section 1-3-27 - Payments	1-33
	Section 1-3-28 - Notification to Persons Appointed to Office	1-33
	Section 1-3-29 - Other Duties	1-33
	Section 1-3-30 - Deputy Clerk	1-33
	Section 1-3-31 - General Conditions	1-34
	Section 1-3-32 - Deputy Clerk Position Established	1-34
	Section 1-3-33 - 1-3-34 Reserved	
	 <i>Division III - Village Collector</i>	
	Section 1-3-35 - Position Created	1-36
	Section 1-3-36 - Term	1-36
	Section 1-3-37 - Bond	1-36
	Section 1-3-38 - Salary Established	1-36
	Section 1-3-39 - Duties	1-36
	Section 1-3-40 - Reserved	

ARTICLE

TITLE

PAGE

III

ELECTED OFFICERS AND OFFICIALS (CONTINUED)

Division IV - Village Treasurer

<i>Section 1-3-41</i>	- <i>Treasurer Appointed; Vacancy</i>	<i>1-37</i>
<i>Section 1-3-42</i>	- <i>Finance Committee Responsibilities</i>	<i>1-37</i>
<i>Section 1-3-43</i>	- <i>Money; Warrants; Accounts; Payments</i>	<i>1-37</i>
<i>Section 1-3-44</i>	- <i>Warrant Register</i>	<i>1-37</i>
<i>Section 1-3-45</i>	- <i>Personal Use of Funds</i>	<i>1-37</i>
<i>Section 1-3-46</i>	- <i>Bond</i>	<i>1-37</i>
<i>Section 1-3-47</i>	- <i>Special Assessments</i>	<i>1-38</i>
<i>Section 1-3-48</i>	- <i>Bookkeeping</i>	<i>1-38</i>
<i>Section 1-3-49</i>	- <i>Statements</i>	<i>1-38</i>
<i>Section 1-3-50</i>	- <i>Report Delinquent Officers</i>	<i>1-38</i>
<i>Section 1-3-51</i>	- <i>Year-End Report</i>	<i>1-38</i>
<i>Section 1-3-52</i>	- <i>Submit Appropriation to Village Board</i>	<i>1-39</i>
<i>Section 1-3-53</i>	- <i>Deposit of Funds</i>	<i>1-39</i>
<i>Section 1-3-54</i>	- <i>Reserved</i>	

Division V – Office Manager

<i>Section 1-3-55</i>	- <i>Position Created</i>	<i>1-40</i>
<i>Section 1-3-56</i>	- <i>Minimum Qualifications</i>	<i>1-40</i>
<i>Section 1-3-57</i>	- <i>Duties of Manager</i>	<i>1-40</i>
<i>Section 1-3-58</i>	- <i>Physical Demands</i>	<i>1-40</i>
<i>Section 1-3-59</i>	- <i>Work Environment</i>	<i>1-41</i>
<i>Section 1-3-60</i>	- <i>Reserved</i>	

Division VI – Judiciary

<i>Section 1-3-61</i>	- <i>Appointment of Attorney</i>	<i>1-41</i>
<i>Section 1-3-62</i>	- <i>Duties: Prosecute for Village</i>	<i>1-41</i>
<i>Section 1-3-63</i>	- <i>Duties: Preparation of Ordinances</i>	<i>1-41</i>
<i>Section 1-3-64</i>	- <i>Duties: Judgments</i>	<i>1-41</i>
<i>Section 1-3-65</i>	- <i>Duties: Violations of Ordinances</i>	<i>1-42</i>
<i>Section 1-3-66</i>	- <i>Duties: Prosecution of Suits</i>	<i>1-42</i>
<i>Section 1-3-67</i>	- <i>Duties: Collection of Taxes</i>	<i>1-42</i>
<i>Section 1-3-68</i>	- <i>Duties: Commissions</i>	<i>1-42</i>
<i>Section 1-3-69</i>	- <i>Prosecutor’s Fee</i>	<i>1-42</i>
<i>Section 1-3-70</i>	- <i>1-3-72 Reserved</i>	

Division VII – Superintendent of Public Works/Village Engineer

<i>Section 1-3-73</i>	- <i>Position Established – Appointed</i>	<i>1-43</i>
<i>Section 1-3-74</i>	- <i>Minimum Qualifications</i>	<i>1-43</i>
<i>Section 1-3-75</i>	- <i>Duties of Position</i>	<i>1-43</i>
<i>Section 1-3-76</i>	- <i>Physical Demands</i>	<i>1-44</i>
<i>Section 1-3-77</i>	- <i>Work Environment</i>	<i>1-44</i>
<i>Section 1-3-78</i>	- <i>Tools and Equipment Used</i>	<i>1-45</i>
<i>Section 1-3-79</i>	- <i>1-3-80 Reserved</i>	

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
III	ELECTED OFFICERS AND OFFICIALS (CONTINUED)	
	<i>Division VIII – Public Works General Foreman</i>	
	Section 1-3-81 - Appointment	1-45
	Section 1-3-82 - Minimum Qualifications	1-45
	Section 1-3-83 - Duties of Position	1-46
	Section 1-3-84 - Physical Demands	1-46
	Section 1-3-85 - Work Environment	1-47
	Section 1-3-86 - Tools and Equipment Used	1-47
	Section 1-3-87 - 1-3-89 Reserved	
	<i>Division IX – Code Enforcement Officer</i>	
	Section 1-3-90 - Creation of Position	1-47
	Section 1-3-91 - Duties	1-47
	Section 1-3-92 - 1-3-93 Reserved	
	<i>Division X – Zoning Administrator</i>	
	Section 1-3-94 - Creation of Position	1-48
	Section 1-3-95 - Duties	1-48
	Section 1-3-96 - 1-3-97 Reserved	
IV	SALARIES	
	Section 1-4-1 - Official Salaries	1-49
V	MEETING PROCEDURES	
	<i>Division I - Recording Closed Meetings</i>	
	Section 1-5-1 - Recording Closed Sessions	1-50
	Section 1-5-2 - Responsibility for Recording Closed Sessions and Maintaining Recordings	1-50
	Section 1-5-3 - Closed Session Minutes	1-50
	Section 1-5-4 - Procedure for Recording	1-50
	Section 1-5-5 - Back-Up Equipment/Procedure for Equipment Malfunction	1-50
	Section 1-5-6 - Procedure for Review of Closed Session Minutes and Recordings	1-50
	Section 1-5-7 - Maintenance and Public Release of Recordings and Access to Tapes	1-51
	Section 1-5-8 - Procedure for Destruction of Recordings	1-51
	Section 1-5-9 - 1-5-10 Reserved	
VI	REMOTE MEETING PARTICIPATION	
	Section 1-6-1 - Statutory Authority for Participation	1-52
	Section 1-6-2 - Definition of Meeting	1-52
	Section 1-6-3 - Amendment of Previous Terms	1-52
	Section 1-6-4 - Remote Participation Policy	1-52
	Addendum "A" - Governmental Unit Remote Attendance Policy	1-53
	Addendum "B" - Request for Auxiliary Aid(s) and/or Service(s)	1-54

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 of Caseyville**". 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. **(65 ILCS 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**. **(65 ILCS 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 forwarded to the codifiers on an annual basis 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. **(65 ILCS 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 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; 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.

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 ST. CLAIR) ss.
VILLAGE OF CASEYVILLE)

VILLAGE CLERK'S OFFICE

I, Rob Watt, Village Clerk of the **Village of Caseyville, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the Village of Caseyville, Illinois of 2016**, published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the **Village of Caseyville, 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 Caseyville, Illinois**, this 4th day of January, 2017.

ROB WATT
VILLAGE CLERK
VILLAGE OF CASEYVILLE

(SEAL)

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

DIVISION III - DEFINITIONS

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

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

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

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

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

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

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

"COUNTY" shall mean the **County of St. Clair**.

"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 of 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.** **(65 ILCS 5/1-1-2[5])**

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

"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.

"MAY" as used in this Code means permissible.

"MAYOR" as used in this Code shall mean the Village President or President of the Village Board of Trustees. **(65 ILCS 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 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.

"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.

"SHALL" as used in this Code means mandatory.

"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.

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

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

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

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

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

DIVISION IV - GENERAL PENALTY

1-1-20 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense.**

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

(C) Whoever commits an offense against the 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) **Guilty Plea – No Court Appearance.** 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. **(65 ILCS 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 CONVICTION - COMMITMENT. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court before whom such conviction is had, be committed to the county jail until such fine and costs shall be fully paid. It shall not be necessary before making such order of commitment, that any execution be issued and returned no property found. No such imprisonment shall exceed **six (6) months** for any one offense. **(Ord. No. 526; 08-19-75)**

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. **(65 ILCS 5/1-2-9.1)**

1-1-23 APPLICATION.

(A) The penalty provided in this Chapter shall be applicable to every section of this 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. **(65 ILCS 5/3.1-25-5 and 5/3.1-10-50(D))**

1-2-2 REGULAR MEETINGS. The Village Board shall meet at the Village Hall for regular meetings on the **first (1st) and third (3rd) Wednesdays** at **7:00 P.M.** of every month except when a Village holiday falls on that day, when the Village Board reschedules a meeting with notice as required by Illinois law or when the Village Board cancels a meeting due to no business at hand or lack of a quorum. **(65 ILCS 5/3.1-40-25 and 5 ILCS 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 Village Clerk or a 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. **(65 ILCS 5/3.1-40-25 and 5 ILCS 120/2.02 and 120/2.03)**

1-2-4 COMMITTEES. The following standing committees shall be appointed and approved by the Village Board occurring after each municipal election or as soon thereafter as may be convenient:

- (A)
 - (1) Ordinance
 - (2) Administration/Communication/Technology
 - (3) Police
 - (4) Finance/Insurance
 - (5) Energy Management
 - (6) Planning & Zoning
 - (7) Annexation
 - (8) Buildings/Public Works
 - (9) TIF/Grants

(Ord. No. 732; 05-01-91)

- (B) The Mayor shall be ex-officio member of each and every standing committee.
- (C) So far as is practicable, reports of committees shall be in writing.
- (D) 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. **(65 ILCS 5/3.1-40-35)**
- (E) 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.

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

1-2-5 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.

1-2-6 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.

1-2-7 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.) (65 ILCS 5/3.1-40-20)**

1-2-8 - 1-2-10RESERVED.

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) Please and Silent Prayer.
- (3) Roll Call.
- (4) 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.
- (5) Public Comment and Visitors. **(See Section 1-2-13)**
- (6) Reports and communications from the Mayor and other Village Officers.
- (7) Old Business.
- (8) New Business.
- (9) Presentation of communications, petitions, resolutions, orders, and ordinances by the Board of Trustees.
- (10) Approval of claims.
- (11) Monthly reports.
 - (a) Police Chief

- (b) Superintendent
- (12) Closed session.
- (13) Miscellaneous business.
- (14) Adjournment.

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; Public Comment.** After the public comments 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, the member 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.

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:

- (1) To adjourn to a day certain.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) The previous question.
- (6) To refer.
- (7) To amend.
- (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 Board 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 taken.

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 take 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.

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) **Filling 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.

(Y) **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.

(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. **(65 ILCS 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 **forty-eight (48) hours** prior to 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. **(5 ILCS 120/2.02)**

1-2-13 **ADDRESS BY NON-MEMBERS.**

(A) **Public Comment Request.** Any person not a member of the Village Board may address the Village Board with regard to items of proposed business under the following rules:

- (1) He or she shall rise (if not physically impaired) and state his or her name for the record and unless further time is granted by the Board to limit remarks to **three (3) minutes**. All remarks shall be addressed to the Village Board, not to any member thereof.
- (2) No person other than the Board member recognizing the individual addressing the Board and the person having the floor shall be permitted to enter into any discussion directly or through a member of the Board without the permission of the Mayor. No questions shall be asked of an Trustee except through the Mayor. Any person making personal or impertinent remarks or who shall become disruptive addressing the Village Board shall be forthwith evicted from the Board room by the Mayor.

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

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

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

DIVISION 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. **(65 ILCS 5/3.1-40-40)**

(D) **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against the 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 approves an ordinance or resolution, the Mayor shall sign it. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the Village Board, with the Mayor's written objections, at the next regular meeting of the Village Board occurring not less than **five (5) days** after their passage. The Mayor may 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. **(65 ILCS 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 following the regular meeting at which the Village Board receives the Mayor's written objection. If, after reconsideration, **two-thirds (2/3)** of all the Trustees then holding office on the Village Board 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. **(65 ILCS 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. **(65 ILCS 5/3.1-40-55)**

1-2-17 **RESERVED.**

DIVISION IV - GENERAL CORPORATE 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 Caseyville, Illinois**" in the exterior circle, and a figure of an eagle in the center. **(65 ILCS 5/2-2-12)**

(B) The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the 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. **(65 ILCS 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. **(65 ILCS 5/3.1-10-10)**

(B) **Inauguration.** 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. **(65 ILCS 5/3.1-10-15) (Ord. No. 762; 03-24-93)**

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. **(65 ILCS 5/3.1-15-15)**

NOTE: One (1) member may serve on the Library Board, if one exists. (75 ILCS 5/4-1 and 50 ILCS 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.
(2) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed 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).
(65 ILCS 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.
(65 ILCS 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. **(65 ILCS 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.
(65 ILCS 5/3.1-10-40)

(H) **Conservators of Peace.**

(1) After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, 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. **(65 ILCS 5/3.1-15-25)**

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

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

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

(See "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. **(65 ILCS 5/3.1-10-50)**

1-2-23 QUALIFICATIONS; ELECTIVE OFFICE.

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

(B) A person is not eligible to take the oath of office for a municipal office if that person is, at the time required for taking the oath of office, 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) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (A). **(65 ILCS 5/3.1-10-5)**

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	\$ 50,000.00
(2)	Village Treasurer	50,000.00
(3)	Village Clerk/Collector	50,000.00
(4)	Police Chief	50,000.00
(5)	Office Manager	50,000.00

(B) **Premium Payment by Village.** The surety bonds required by law shall be paid by the Village. **(5 ILCS 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. **(See Sec. 4.05)**

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 provisions 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 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. **(745 ILCS 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 the amount listed in the Illinois Municipal Code public improvement section, 65 ILCS 5/8-9-1, currently **Twenty-five Thousand Dollars (\$25,000.00)**, 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 holding office. The Village of Caseyville anticipates that the amount threshold for bidding on public improvement projects will rise, necessarily, with future inflation and costs, and this, although the amount is currently twenty-five thousand dollars (\$25,000), it will necessarily be higher in the future. Therefore, the bidding amount threshold for the Village for work, public improvement, and purchases, orders, contracts for supplies, materials, equipment, or contractual services, shall mirror the amount listed in 65 ILCS 5/8-9-1 for public improvement projects.

(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.

(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.

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

(3) **Performance Bonds.** The 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 **Twenty Thousand Dollars (\$20,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this Section for the award of formal contracts.

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the 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 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. **(65 ILCS 5/8-9-1 and 8-9-2)**

1-2-27 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.

(65 ILCS 5/3.1-50-5 and 5/3.1-50-10)

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

1-2-28 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 Monday 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. **(See Sec. 4.10)**

1-2-29 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. **(See Sec. 4.13)**

1-2-30 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. **(65 ILCS 5/3.1-50-15(B))**

1-2-31 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the Village Hall.

1-2-32 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.

1-2-33 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.

(Ord. No. 584; 09-04-79)

1-2-34 **CERTIFICATES OF INSURANCE.** All contractors and sub-contractors doing work for the Village shall first provide a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

1-2-35 **SMOKING PROHIBITED.**
(A) **Definition.** As used in this Section, the term "smoking" shall mean and include the inhaling of smoke or possessing a lighted cigarette, cigar or other tobacco used for smoking.

(B) No smoking shall be allowed in any of the Village Buildings except in those areas designated by the posting of "Smoking Area" signs.

(C) **Designated Smoking Areas.** Whereas realizing that our society is made up of smokers and non-smokers, we hereby designate these areas as smoking areas: Main Entrance and Hallway to Village Hall, Mayor's Office, Restrooms and Hallway surrounding said restrooms and Lunch Area located at Village Garage. **(Ord. No. 714; 04-04-90)**

1-2-36 **DISPLAY OF UNITED STATES FLAG.** The corporate authorities of this Municipality shall display the United States flag at the municipal building pursuant to the Illinois Flag Display Act. **(5 ILCS 465/3b)**

1-2-37 **VILLAGE HALL REGULATIONS.** It is the purpose of this Section to adopt rules and regulations for the use and access to the Village Hall.

(A) The lobby of the Village Hall shall be open to the public from **8:30 A.M.** until **4:30 P.M.** on regular business days.

(B) Any persons who are not Village employees, Village contractors or Village elected officials shall not be allowed access to the departmental areas of the Village Hall unless for official Village business during regular business hours from **8:30 A.M.** until **4:30 P.M.** Any persons who are not employees, contractors or elected officials of the Village must remain in the direct presence of an employee, contractor or elected official while in a departmental area fo the Village Hall to conduct such official Village business during regular business hours.

(C) No persons (including employees, contractors and elected officials of the Village) shall have access to the departmental areas of the Village Hall outside of normal business hours as mentioned in paragraph (D) without the express consent of the Mayor. Any access granted outside normal business hours shall be documented and a record of such access kept by the Village Clerk. When departmental areas are used by permitted persons outside normal business hours, all areas not approved for after-hours usage shall be locked, identified by signs, or physically barricaded, as appropriate, to restrict the permitted persons usage and movements to only that space or area approved for usage.

(D) It shall be unlawful to:

- (1) Remove Village property, records or documents from the Village Hall.
- (2) Willfully destroy or damage Village property, records or documents at or in the Village Hall.
- (3) Release any information from the files or records contained at the Village Hall, except when released in the course of official Village business.
- (4) Create a hazard of any kind at the Village Hall.
- (5) Loiter, initiate disorderly conduct, or initiate any conduct which creates a nuisance at the Village Hall.
- (6) Obstruct the use of entrances, foyers, lobbies, corridors, offices, or parking lots at the Village Hall.
- (7) Place any solicitor's material or literature or vending machines in the Village Hall without the approval of the Mayor.
- (8) Impede or disrupt the performance of the official duties of Village employees, contractors or elected officials at the Village Hall.

(9) Impede or disrupt the general public from conducting Village business in a timely manner at the Village Hall.

(E) The posting or affixing of materials, such as posters, pamphlets, handbills or flyers, on bulletin boards or elsewhere in the Village Hall is prohibited unless done so for official Village business for with approval of the Mayor.

(F) No person shall carry or possess firearms, other dangerous/deadly weapons, explosives, or materials intended to be used to fabricate an explosive or incendiary device while in or at the Village Hall (whether carried openly or concealed) except for official Village purposes.

(G) There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, sex, color, handicap, age, or national origin in furnishing or by refusing to furnish to such person or persons the use or access to the Village Hall.

(H) The rules and regulations for the use and access to the Village Hall shall be posted as notice to the public and to all employees, contractors and elected officials of the Village.

(I) The rules and regulations for the use and access to the Village Hall shall also be distributed to all employees, contractors and elected officials of the Village.

(J) **Penalties. See Section 1-1-20.**
(Ord. No. 1124; 04-20-11)

1-2-38 - 1-2-39 RESERVED.

DIVISION V - VACANCIES

1-2-40 VACANCY BY RESIGNATION. A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

(A) **Unconditional Resignation.** An unconditional resignation by a person holding the elective office may specify a future date, not later than **sixty (60) days** after the date the resignation is received by the officer authorized to fill the vacancy, at which time it becomes operative, but the resignation may not be withdrawn after it is received by the officer authorized to fill the vacancy. The effective date of a resignation that does not specify a future date at which it becomes operative is the date the resignation is received by the officer authorized to fill the vacancy. The effective date of a resignation that has a specified future effective date is that specified future date or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(B) **Conditional Resignation.** A resignation that does not become effective unless a specified event occurs can be withdrawn at any time prior to the occurrence of the specified event, but if not withdrawn, the effective date of the resignation is the date of the occurrence of the specified event or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(C) **Vacancy Upon the Effective Date.** For the purpose of determining the time period that would require an election to fill the vacancy by resignation or the commencement of the **sixty (60) day** time period referred to in **Section 1-2-44**, the resignation of an elected officer is deemed to have created a vacancy as of the effective date of the resignation.

(D) **Duty of the Clerk.** If a resignation is delivered to the Clerk of the Municipality, the Clerk shall forward a certified copy of the written resignation to the official who is authorized to fill the vacancy within **seven (7) business days** after receipt of the resignation.

1-2-41 VACANCY BY DEATH OR DISABILITY. A vacancy occurs in an office by reason of the death of the incumbent. The date of the death may be established by the date shown on the death certificate. A vacancy occurs in an office by permanent physical or mental disability rendering

the person incapable of performing the duties of the office. The corporate authorities have the authority to make the determination whether an officer is incapable of performing the duties of the office because of a permanent physical or mental disability. A finding of mental disability shall not be made prior to the appointment by a court of a guardian ad litem for the officer or until a duly licensed doctor certifies, in writing, that the officer is mentally impaired to the extent that the officer is unable to effectively perform the duties of the office. If the corporate authorities find that an officer is incapable of performing the duties of the office due to permanent physical or mental disability, that person is removed from the office and the vacancy of the office occurs on the date of the determination.

1-2-42 **VACANCY BY OTHER CAUSES.**

(A) **Abandonment and Other Causes.** A vacancy occurs in an office by reason of abandonment of office; removal from office; or failure to qualify; or more than temporary removal of residence from the Municipality, as the case may be. The corporate authorities have the authority to determine whether a vacancy under this Section has occurred. If the corporate authorities determine that a vacancy exists, the office is deemed vacant as of the date of that determination for all purposes including the calculation under **Sections 1-2-44 or 1-2-45.**

(B) **Guilty of a Criminal Offense.** An admission of guilt of a criminal offense that upon conviction would disqualify the municipal officer from holding the office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, constitutes a resignation from that office, effective on the date the plea agreement is made. For purposes of this Section, a conviction for an offense that disqualifies a municipal officer from holding that office occurs on the date of the return of a guilty verdict or, in the case of a trial by the court, on the entry of a finding of guilt.

(C) **Election Declared Void.** A vacancy occurs on the date of the decision of a competent tribunal declaring the election of the officer void.

1-2-43 **ELECTION OF AN ACTING MAYOR.** The election of an acting Mayor pursuant to **Section 1-2-45 or 1-2-46** does not create a vacancy in the original office of the person on the Village Board, unless the person resigns from the original office following election as acting Mayor. If the person resigns from the original office following election as acting Mayor, then the original office must be filled pursuant to the terms of this Section and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor. If the person does not resign from the original office following election as acting Mayor, then the acting Mayor shall exercise the powers of the Mayor but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting Mayor, and if that person's original term of office has not expired when a Mayor is elected and has qualified for office, the acting Mayor shall return to the original office for the remainder of the term thereof.

1-2-44 **APPOINTMENT TO FILL TRUSTEE VACANCY.** An appointment by the Mayor or acting Mayor, as the case may be, of a qualified person as described in **Section 1-2-23** of this Code to fill a vacancy in the office of Trustee must be made within **sixty (60) days** after the vacancy occurs. Once the appointment of the qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment fails to receive the advice and consent of the corporate authorities within **thirty (30) days**, the Mayor or acting Mayor shall appoint and forward to the corporate authorities a second qualified person as described in **Section 1-2-23**. Once the appointment of the second qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment of the second qualified person also fails to receive the advice and consent of the corporate authorities, then the Mayor or acting Mayor, without the advice and consent of the corporate authorities, may make a temporary appointment from those persons who were appointed but

whose appointments failed to receive the advice and consent of the corporate authorities. The person receiving the temporary appointment shall serve until an appointment has received the advice and consent and the appointee has qualified or until a person has been elected and has qualified, whichever first occurs.

1-2-45 **ELECTION TO FILL VACANCIES IN MUNICIPAL OFFICES WITH FOUR (4) YEAR TERMS.** If a vacancy occurs in an elective municipal office with a **four (4) year term** 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, then the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the Village Clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If a vacancy occurs with less than **twenty-eight (28) months** remaining in the unexpired portion of the term or less than **one hundred thirty (130) days** before the general municipal election, then:

(A) **Mayor.** If the vacancy is in the office of Mayor, the vacancy must be filled by the corporate authorities electing one of their members as acting Mayor. Except as set forth in **Section 1-2-43**, the acting Mayor shall perform the duties and possess all the rights and powers of the Mayor until a Mayor is elected at the next general municipal election and has qualified. However, in villages with a population of less than **five thousand (5,000)**, if each of the trustees either declines the election as acting Mayor or is not elected by a majority vote of the trustees presently holding office, then the trustees may elect, as acting Mayor, any other Village resident who is qualified to hold municipal office, and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor.

(B) **Trustee.** If the vacancy is in the office of Trustee, the vacancy must be filled by the Mayor or acting Mayor, as the case may be, in accordance with **Section 1-2-44**.

(C) **Other Elective Office.** If the vacancy is in any elective municipal office other than Mayor or Trustee, the Mayor or acting Mayor, as the case may be, must appoint a qualified person to hold the office until the office is filled by election, subject to the advice and consent of the Board of Trustees, as the case may be.

1-2-46 **VACANCIES DUE TO ELECTION BEING DECLARED VOID.** In cases of vacancies arising by reason of an election being declared void pursuant to **Section 1-2-42(C)**, persons holding elective office prior thereto shall hold office until their successors are elected and qualified or appointed and confirmed by advice and consent, as the case may be.

1-2-47 **OWING A DEBT TO THE MUNICIPALITY.** A vacancy occurs if a municipal official fails to pay a debt to a municipality in which the official has been elected or appointed to an elected position subject to the provisions of **65 ILCS 5/3.1-10-50(C)(4)**.

(65 ILCS 5/3.1-10-50)

1-2-48 - 1-2-49 **RESERVED.**

DIVISION VI – CONFLICT OF INTEREST POLICY

1-2-50 STATUTES ADOPTED BY REFERENCE. The provisions of Illinois law that cover conflicts of interests, including but not limited to **65 ILCS 5/3.1-55-10, 65 ILCS 5/4-8-6** and **50 ILCS 105/3**, are incorporated as through full set out at length herein.

1-2-51 DEFINITIONS. For the purposes of this Section, the following definitions shall apply:

(A) "Benefit" means anything reasonably regarded as economic gain or economic advance, including benefit to a person's immediate family. A benefit does not arise when a personal or pecuniary interest is no greater than that of other Village residents generally affected by the decision, such as adopting a Village-wide policy or setting a tax rate.

(B) "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed, individual, holding company, receivership, trust or joint venture.

(C) "Confidential information" means privileged statements or communications, whether expressed or implied, oral or written, between the Village board member, Village employees, or their attorneys; work product of the Village Attorney, or other attorneys representing the Village, its Board member, officers and employees; and Village records, documents, and other information not subject to public disclosure.

(D) "Conflict of interest" means any direct or indirect personal or financial interest of a public official, his or her family, business associate, outside employer or outside employee, in the outcome of a cause, proceeding, application or any other matter pending before the official or before the Village. A "Conflict of Interest" is a situation, circumstance, or financial interest which has the potential to cause a private interest to interfere with the proper exercise of a public duty.

(E) "Emergency" means an imminent threat or peril to the public health, safety or welfare.

(F) "Family" means the spouse, parents, grandparents, siblings, children, and any step relations to the same degree.

(G) "Financial interest" means an expectation of receiving a financial benefit. A financial interest of a person includes any benefit of a member of that person's immediate family. A person has a financial interest in a business in which that person, or that person's immediate family, has an ownership interest, or is a director or officer of the business. A person has a financial interest in a decision if the benefit to that person will vary with the outcome of the decision. A financial interest does not arise when a personal or pecuniary interest is no greater than that of other Village residents generally affected by the decision, such as adopting a Village-wide policy or setting a tax rate.

(H) "Official act or action" means any discretionary legislative, administrative or judicial act which is done for the Village or as Village business and performed by any elected or appointed official or on behalf of any elected or appointed official.

(I) "Public official" means any person elected to, or appointed to, any public office of the Village. The elected or appointed public office may be paid or unpaid and further may be temporary, part-time, or full-time.

(J) "Village" means the Village of Caseyville as well as its individual departments, boards, commissions, or committees.

1-2-52 PROHIBITED ACTIVITIES. The following shall be prohibitions in this policy regarding conflicts of interest:

(A) A public official shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

(B) A public official may not use or attempt to use their position to secure any personal benefit or financial interest of either themselves or their family.

(C) A public official, as well as their family, may not receive any benefit or gain a financial interest from any project or contract that receives a portion of its funding in any way from the Village.

(D) A public official may not use or disclose confidential information obtained in their official capacity or position of employment with result being a personal benefit or for the personal financial interest of either themselves or their family.

(E) A public official may not use or authorize the use of municipal time, facilities, equipment, or supplies for a personal benefit or financial interest of either themselves or their family.

(F) A public official shall not personally represent, appear for, or negotiate on behalf of any person or organization in any cause, proceeding, application or other matter pending before the Village.

(G) A public official may not make private purchases, for cash or otherwise, in the name of the Village.

(H) A public official shall not introduce, approve or vote upon any matter in which he or she or any member of his or her family has a known interest.

(I) A public official shall not, other than provided by law for the proper discharge of his or her official duties, directly or indirectly request or receive any compensation from anyone other than the Village in relation to any particular matter in which the Village is a party or has a direct and substantial interest.

1-2-53 **BOARD DECLARES EMERGENCY.** The prohibitions in **Section 1-2-52** shall not apply if the Village Board determines that an emergency exists and that actions taken were for the best interests of the Village. Unless otherwise prohibited by law, the Board must expressly and specifically waive any potential or alleged conflict under this Division by an affirmative vote of at least **two-thirds (2/3)** of the Board then holding office.

1-2-54 **OWNERSHIP IN BUSINESSES.** The prohibitions in **Section 1-2-52** shall also apply to any business of the public official, or their family, wherein the public official, or a member of their family, is an owner, director or officer of the business.

1-2-55 **DISCLOSURE AND RECUSAL.**

(A) For any public official who is a member of a board, committee or commission, the remaining members of that body shall have the authority to inquire of the official concerning a possible conflict of interest and to suggest or recommend that the member recuse him or herself from the matter. If the member believes that he or she does not have a conflict of interest or believes that he or she is able to act fairly, objectively and in the public interest in spite of an existing conflict of interest, the member shall, prior to participating in the matter, prepare a written statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. The statement required herein shall be signed by the official and filed as part of the minutes of the meeting of the public body in which the official is a member.

(B) For any public official who is not a member of a board, committee or commission, either the Mayor or Village Board shall have the authority to inquire of the official about a possible conflict of interest and to suggest or recommend that the official recuse him or herself from the matter. If the official believes that he or she does not have a conflict of interest or believes that he or she is able to act fairly, objectively and in the public interest in spite of an existing conflict of interest, the official shall, prior to participating in the matter, prepare a written statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. The statement required herein shall be signed by the official and a copy given to the Mayor and every member of the Village Board.

(C) In the case of a public official who is an appointee, the person or public body which appointed that public official shall have the authority to order that official to recuse him or herself from the matter.

1-2-56 **ENFORCEMENT AND REMOVAL.** Any violation of this Division shall subject the Village public official to any and all forms of discipline up to and including dismissal or removal from office. The Village may also commence any appropriate action at law or in equity to enforce the provisions of this Division and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. Any equitable remedies shall be in addition to the remedies set forth elsewhere in this Division.

(Ord. No. 1132; 10-19-11)

[This page was left blank intentionally.]

[This page was left blank intentionally.]

ARTICLE III – ELECTED OFFICERS AND OFFICIALS

DIVISION I - MAYOR

1-3-1 **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until a successor is elected and has qualified. **(65 ILCS 5/3.1-15-5 and 5/3.1-25-15)**

1-3-2 **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 tem. The Mayor pro tem, 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 tem 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. **(65 ILCS 5/3.1-35-35)**

1-3-3 **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. **(65 ILCS 5/3.1-10-50)**

1-3-4 **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. **(65 ILCS 5/3.1-15-10 and 3.1-35-20)**

1-3-5 **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. **(65 ILCS 5/3.1-35-30)**

1-3-6 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. **(65 ILCS 5/3.1-30-5)**

(B) **Filling 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. **(50 ILCS 105/2) (In Part Ord. No. 553; 06-21-77)**

1-3-7 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 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. **(65 ILCS 5/3.1-35-10)**

1-3-8 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.

1-3-9 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.

1-3-10 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. **(65 ILCS 5/3.1-35-5)**

1-3-11 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.

1-3-12 **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. **(235 ILCS 5/4-2)**

1-3-13 **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.

1-3-14 **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. **(65 ILCS 5/3.1-45-5)**

(In Part Secs. 4.20 – 4.36)

1-3-15 **RESERVED.**

DIVISION II - VILLAGE CLERK

1-3-16 **ELECTED, PART-TIME.** The Village Clerk is 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. The Village Clerk is a part-time position that reports to the Mayor and the Village Board. The Village Clerk is the keeper of the Village records and has other duties assigned by or for the Mayor and Village Board. **(Ord. No. 1150; 12-18-13) (65 ILCS 5/3.1-15-5 and 5/3.1-25-90)**

1-3-17 **JOB DUTIES.** This job description is not intended to limit the responsibilities of an individual elected to this position to these duties listed. The elected official is expected to follow any other reasonable instructions and perform any other reasonable duties requested by the Mayor and Village Board. The level of involvement may vary based on need and individual capabilities.

- (A) All duties and responsibilities for Clerks as set out in the Illinois Municipal Code;
- (B) Maintains the Village Codes, ordinances, resolutions, minutes, agendas, contracts, leases and other Village legal or business documents;
- (C) Ensure proper public notice requirements are followed including posting agendas and other notices and submitting items for publication as required by the Illinois Municipal Code or ordinances of the Village;
- (D) The Village Clerk shall attend, video record (with audio) and keep written notes at all regular, special, and executive meetings of the Board of Trustees and its committees unless excused. In the absence of the Village Clerk, the Deputy Clerk shall perform these duties. In the absence of both the Village Clerk and the Deputy Clerk, the Board shall elect a recording secretary for that meeting.

- (E) Prepare information packets for Village Board and committee meetings;
- (F) Coordinates and prepares agendas for Village Board and committee meetings;
- (G) Keep accurate, legible records and maintain them in retrievable order;
- (H) The Board of Trustees shall designate one or more personnel to draft and revise as necessary, the agenda and meeting minutes for all regular, special and executive meetings of the Board of Trustees and its committees. The designated personnel shall prepare and revise as needed, the meeting agenda(s) and draft meeting minutes of all regular, special and executive meetings of the Board of Trustees and its committees. The designated personnel shall prepare and distribute the agenda in accordance with state law and the Revised Code of Ordinances. The agenda, including all attachments, shall be delivered to the Trustees and other appropriate personnel by placing a copy in their respective mailboxes at the Village Hall and by sending an electronic copy. Except for special or emergency meetings, initial draft agendas will be distributed no later than 4:30 p.m. on the Friday before the upcoming meeting. Except for special meetings, the final version of any meeting agenda will be distributed to the Trustees no later than 4:30 p.m. on the Monday before the upcoming meeting. For special meetings, the agenda will be distributed no later than forty-eight hours before the scheduled meeting. The designated personnel shall prepare and submit all draft minutes to the Board of Trustees for approval in accordance with state law and the Revised Code of Ordinances. The Village Clerk, or Deputy Clerk as the case may be, shall provide all written meeting notes to the designated personnel for inclusion in the appropriate draft minutes.
- (I) Coordinate activities with other Village departments and outside agencies;
- (J) Perform other duties as assigned.

(Ord. No. 1150; 12-18-13)

1-3-18

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. **(65 ILCS 5/1-2-5)**

(B) **Minutes; Records.**

(1) **Open Meetings.** 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. **(65 ILCS 5/3.1-35-90)**

(2) **Closed Meetings.** The Clerk shall prepare and preserve the minutes of closed meetings according to the provisions of the Closed Meetings Act. At least twice a year, corporate authorities shall meet to review minutes of all closed sessions and make a public statement as to whether there is still a need to maintain such matters in confidence or whether minutes or portions of minutes from closed meetings no longer require confidential treatment and are available for public inspection. **(5 ILCS 120/2.06(c))**

(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. **(65 ILCS 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. **(65 ILCS 5/1-2-4, 5/1-2-5 and 5/3.1-35-90)**

1-3-19 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 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. **(65 ILCS 5/3.1-35-90)**

1-3-20 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.

1-3-21 REPORT OF LICENSES. The Clerk shall report to the Village Board at its regular meeting each month and more often if the Board so requires the data contained in the license register with respect to licenses issued during the previous month.

1-3-22 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.

1-3-23 ADMINISTRATION OF OATHS. The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(65 ILCS 5/3.1-15-20)**

1-3-24 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]. **(65 ILCS 5/3.1-35-110)**

1-3-25 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 monies received and warrants drawn during the preceding month, showing therein from or what sources and on what account monies were received, and for what purposes and on what account the warrants were drawn or paid.

1-3-26 SUCCESSOR. 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. **(65 ILCS 3.1-10-35)**

1-3-27 **PAYMENTS.** The Clerk shall prepare monthly an itemized list of all monies received and shall deliver a copy of the same to the Village Treasurer and shall also pay over to the Treasurer all monies received in the office and take a receipt therefor.

1-3-28 **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.

1-3-29 **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. **(65 ILCS 5/3.1-10-40)**

1-3-30 **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. **(65 ILCS 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)**

1-3-31 **GENERAL CONDITIONS.**

(A) **Physical Demands.** The physical demands as described are representative of those that must be met by an individual to successfully perform the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this individual regularly requires the use of arms and hands to reach, feel, grasp, handle or operate computers, files and documents. The individual frequently is required to stand, sit, talk and hear. The individual is required to walk, stand, sit, stoop and crouch. The individual must occasionally lift and/or move up to **twenty-five (25) pounds**. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. **(Ord. No. 1150; 12-18-13)**

(B) **Work Environment.** The work environment characteristics described here are representative of those an individual encounters while performing the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this individual will generally work indoors in an office environment. This individual is exposed to risks that are common to an employee in a general office environment. **(Ord. No. 1150; 12-18-13)**

(C) **Tools and Equipment Used.** A personal computer, including word processing, database and spreadsheet programs, mainframe computer terminal and programs; sound recording equipment, calculator, multi-line telephone, base radio, copy machine, fax machine, manual typewriter and occasional use of automobile. **(Ord. No. 1150; 12-18-13)**

1-3-32

DEPUTY CLERK POSITION ESTABLISHED.

(A) **Appointed.** The Deputy Clerk is appointed by the Village Clerk with the authorization of the Mayor and Village Board. The Deputy Clerk position consists of additional duties that are assigned to a full-time Administrative Clerk for the Village. The Deputy Clerk serves under the direct supervision of the Village Clerk, and ultimately reports to the Mayor and Village Board.

(B) **Minimum Qualifications.**

- (1) **Education.** High School Diploma or General Education Diploma.
- (2) **Experience.** **Three (3) years'** experience in a general office setting; or any combination of education, training, and working experience to demonstrate knowledge, skills, and abilities that meet or exceed the above minimum requirements.
- (3) **Knowledge.** Software such as Windows XP, Microsoft Word and Microsoft Excel; good office procedures; basic math and record keeping; basic data processing principles; proper use of English language including spelling, grammar and punctuation; the Village streets and address system.
- (4) **Abilities.** General office skills; maintaining a large filing system; ability to read and comprehend simple instructions, short correspondence, and memos; ability to write correspondence; ability to effectively present information regarding work projects when necessary; establish and maintain cooperative working relationships; operate a personal computer, two-way radio, telephone; participate in work safely without presenting a direct threat to self or others; maintain accurate and up-to-date records; typing and 10-key skills; dealing effectively and tactfully with customers.
- (5) **Licenses/Certificates.** A valid and appropriate Illinois driver's license; must have and maintain a satisfactory driving record and be insurable to operate Village vehicles.

(C) **Job Duties.** This job description is not intended to limit the responsibilities of an individual appointed to this position to the duties listed. The appointed individual is expected to follow any other reasonable instructions and perform any other reasonable duties requested by the Mayor, Village Board or Village Clerk. The level of involvement may vary based on need and individual capabilities.

- (1) Assist with all duties and responsibilities for Village Clerks as set out in the Illinois Municipal Code, **65 ILCS 5/1-1-1 et seq.**
- (2) All duties and responsibilities for Deputy Clerks as set out in the Illinois Municipal Code, **65 ILCS 5/1-1-1 et seq.**
- (3) Administrative assistant to the Mayor.
- (4) Assist Village Clerk with maintaining the Village Codes, ordinances, resolutions, minutes, agendas, contracts, leases and other Village legal or business documents.
- (5) Assist Village Clerk with monitoring, keeping and maintaining the records of the Village.
- (6) Assist Village Clerk to ensure proper public notice requirements are followed including posting agendas and other notices and submitting items for publication as required by the Illinois Municipal Code or ordinances of the Village.
- (7) Attends Village Board and committee meetings to record audio and keep written minutes when the Village Clerk is not available to do so.
- (8) Assist Village Clerk in preparing information packets for Village Board and committee meetings.
- (9) Assist Village Clerk in coordinating and preparing agendas for Village Board and committee meetings.

- (10) Attest and certify official Village documents when the Village Clerk is not available to do so.
- (11) Assist Village Clerk in keeping accurate, legible records and maintain them in retrievable order.
- (12) Assist Village Clerk in providing documents and records to the Freedom of Information Officer as requested by the Freedom of Information Officer in the furtherance of the Freedom of Information Officer's duties.
- (13) Coordinate activities with other Village departments and outside agencies.
- (14) Perform other duties as assigned.

(D) **Physical Demands.** The physical demands as described are representative of those that must be met by an individual to successfully perform the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this individual regularly requires the use of arms and hands to reach, feel, grasp, handle or operate computers, files and documents. The individual frequently is required to stand, sit, talk and hear. The individual is required to walk, stand, sit, stoop and crouch. The individual must occasionally lift and/or move up to **twenty-five (25) pounds**. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

(E) **Work Environment.** The work environment characteristics described here are representative of those an individual encounters while performing the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this individual will generally work indoors in an office environment. This individual is exposed to risks that are common to an employee in a general office environment.

(F) **Tools and Equipment Used.** A personal computer, including word processing, database and spreadsheet programs, mainframe computer terminal and programs; sound recording equipment, calculator, multi-line telephone, base radio, copy machine, fax machine, manual typewriter and occasional use of automobile.

THIS DOCUMENT IS INTENDED TO INDICATE THE GENERAL TASKS AND LEVELS OF DIFFICULTY THAT WILL BE REQUIRED FOR THESE POSITIONS AND SHALL NOT BE CONSTRUED AS DECLARING WHAT THE SPECIFIC DUTIES AND RESPONSIBILITIES WILL BE FOR THIS POSITION ON A DAILY BASIS. THIS DOCUMENT SHALL NOT BE CONSIDERED AN EMPLOYMENT CONTRACT AND THE VILLAGE ASSUMES NO CONTRACTUAL LIABILITY BASED ON THIS DOCUMENT. THE VILLAGE RESERVES THE RIGHT TO ASSIGN, CHANGE, REVISE, DIRECT AND CONTROL THE WORK THAT IS PERFORMED IN THIS EMPLOYMENT POSITION.

(Ord. No. 1150; 12-18-13)

1-3-33 - 1-3-34 RESERVED.

DIVISION III – VILLAGE COLLECTOR

1-3-35 POSITION CREATED. There is hereby created the position of Village Collector for the Village. Upon appointment by the Mayor, with the advice and consent of the Village Board, the Village Clerk may also hold the office of the Village Collector.

1-3-36 TERM. The Village Collector shall be an officer of the Village and shall take and subscribe to the oath of office as required by the Illinois Constitution. Each Village Collector shall serve for a term that runs concurrently with, but does not exceed, the term of the Mayor for the Village.

1-3-37 BOND. The Village Collector shall be bonded, in the favor of the Village. This bond shall be conditioned upon the faithful performance of the Collector's duties as the Collector, and shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the Collector. The bond must be approved by the Village Board and only surety companies licensed to carry on business in Illinois shall be acceptable sureties in the Village. The amount of the official bond required for the Village Collector shall be **Five Hundred Thousand Dollars (\$500,000.00)** or such greater amount as required by the Village Board. All premiums charged by the corporate sureties for the bond shall be paid by the Village out of its general funds, and in no case, by the individual officer furnishing the bond.

1-3-38 SALARY ESTABLISHED. The salary of the Village Collector shall be an amount as fixed by the corporate authorities and shall be separate and distinct from any amount of compensation paid for the office of the Village Clerk.

1-3-39 DUTIES. The duties of the Village Collector shall be the statutory duties as found in the Illinois Municipal Code and any such other additional duties as may be assigned by the Ordinances of this Village or by the Village corporate authorities.

1-3-40 RESERVED.

(Ord. No. 1071; 10-15-08)

DIVISION IV - VILLAGE TREASURER

1-3-41 TREASURER APPOINTED; VACANCY. The Treasurer shall be appointed for a **four (4) 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. Whenever a vacancy in the office of Village Treasurer appointed under the statutes during the term, the vacancy shall be filled for the remainder of the term by the appointment of a treasurer by the Mayor and with the advice and consent of the Board of Trustees. **(65 ILCS 5/3.1-30-5)**

1-3-42 FINANCE COMMITTEE RESPONSIBILITIES.

(A) The Finance Committee Chairman shall maintain a list of fixed and regular monthly payments for which the Village Treasurer, or his designee, is hereby authorized to make payment prior to Board approval.

(B) The Village Treasurer, or his designee, is hereby authorized to make fixed and regular payments such as utility payments, lease payments, contractual payments, installment payments and insurance policy payments prior to approval by the Board of Trustees as such payments come due and the funds are available to make payment.

(C) The Finance Committee Chairman shall continue to review and approve the fixed and regular payments for which the Village Treasurer, or his designee, is hereby authorized to make payment prior to Board approval.

(D) The fixed and regular payments for which the Village Treasurer, or his designee, is hereby authorized to make payment prior to Board approval shall be included in the monthly Board meeting packet for review by the Mayor and full Board of Trustees.

(Ord. No. 1125; 06-15-11)

1-3-43 MONEY; WARRANTS; ACCOUNTS; PAYMENTS. The Village Treasurer shall receive all monies 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. **(65 ILCS 5/3.1-35-40)**

1-3-44 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. **(65 ILCS 5/3.1-35-40 and 5/3.1-35-45)**

1-3-45 PERSONAL USE OF FUNDS. The Village 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 monies 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. **(65 ILCS 5/3.1-35-55)**

1-3-46 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. **(65 ILCS 5/3.1-10-45)**

1-3-47 **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. **(65 ILCS 5/3.1-35-85)**

1-3-48 **BOOKKEEPING.** The Treasurer shall keep the books and accounts in such a manner as to show with accuracy, all monies 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. **(65 ILCS 5/3.1-35-40)**

1-3-49 **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. **(65 ILCS 5/3.1-35-45)**

1-3-50 **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 monies received by the Treasurer at the time required by law or by ordinances of the Village.

1-3-51 **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:

(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 or circulated in the Village. **(65 ILCS 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.]

1-3-52 **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 monies 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. **(65 ILCS 5/3.1-35-115)**

1-3-53 **DEPOSIT OF FUNDS.**

(A) **Designation by Board.** The Treasurer is hereby required to keep all funds and monies in his or her custody belonging to the Village in such places of deposit as have been designated by **Section 1-3-53(F)**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the 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 Village 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 Village 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 monies of the municipality deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation.

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

(D) Each Village Treasurer may:

- (1) combine monies 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 monies of more than one fund of a single municipality or monies of more than one municipality are combined for investment purposes, the monies 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 permitted by this Section unless it has complied with the requirements established by Section 6 of the Public Funds Investment Act. **(65 ILCS 5/3.1-35-50 and 30 ILCS 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 monies in his custody belonging to this municipality:

- (1) UMB St. Louis
- (2) US Bank
- (3) First Collinsville Bank
- (4) Bank of Edwardsville
- (5) Regions Bank

1-3-54

RESERVED.

DIVISION V – OFFICE MANAGER

1-3-55 POSITION CREATED. The Office Manager is appointed by the Mayor with the advice and consent of the Village Board. The Office Manager consist of additional supervisory duties that are assigned to a full-time Administrative Clerk or Water Clerk for the Village. The Office Manager serves under the direction of the Village Clerk. The Office Manager exercises supervision over the Administration Clerks and Water Clerks.

1-3-56 MINIMUM QUALIFICATIONS.

- (A) **Education.** High School Diploma or General Education Diploma.
- (B) **Experience.** **Three (3) years'** experience in a general office setting; or any combination of education, training, and working experience to demonstrate knowledge, skills, and abilities that meet or exceed the above minimum requirements.
- (C) **Knowledge.** Software such as Windows XP, Microsoft Word and Microsoft Excel; good office procedures; basic math and record keeping; basic data processing principles; proper use of English language including spelling, grammer and punctuation; the Village streets and address system.
- (D) **Abilities.** General office skills; maintaining a large filing system; ability to read and comprehend simple instructions, short correspondence, and memos; ability to write correspondence; ability to effectively present information regarding work projects when necessary; establish and maintain cooperative working relationships; operate a personal computer, two-way radio, telephone; participate in work safely without presenting a direct threat to self or others; maintain accurate and up-to-date records; typing and 10-key skills; dealing effective and tactfully with customers.
- (E) **Licenses/Certificates.** A valid and appropriate Illinois driver's license; must have and maintain a satisfactory driving record and be insurable to operate Village vehicles.

1-3-57 DUTIES OF MANAGER. This job description is not intended to limit the responsibilities of an individual appointed to this position or these duties listed. The appointed individual is expected to follow any other reasonable instructions and perform any other reasonable duties requested by the Mayor, Village Board or Village Clerk. The level of involvement may vary based on need and individual capabilities.

- (A) Exercise supervision over the administration Clerks and Water Clerks.
- (B) Administrative assistance to the Village Board and all department heads.
- (C) Report customer complaints to the Mayor, Village Board and Village Clerk.
- (D) Keep accurate, legible records and maintain them in retrievable order.
- (E) Unlock doors in the morning and lock the doors at the end of the day.
- (F) Interpret and implement administrative policies.
- (G) Ensure that a backup of system is made at the end of the day.
- (H) Adhere to safe work practices.
- (I) Assist other employees as workload and staffing dictate.
- (J) Coordinate activities with other Village departments and outside agencies.
- (K) Perform other duties as assigned.

1-3-58 PHYSICAL DEMANDS. The physical demands as described are representative of those that must be met by an individual to successfully perform the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this individual regularly requires the use of arms and hands to reach, feel, grasp, handle or operate computers, files and documents. The individual frequently is required to stand, sit, talk and hear. The individual is required to walk, stand, sit, stoop and

crouch. The individual must occasionally lift and/or move up to **twenty-five (25) pounds**. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

1-3-59 **WORK ENVIRONMENT.** The work environment characteristics described here are representative of those an individual encounters while performing the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this individual will generally work indoors in an office environment. This individual is exposed to risks that are common to an employee in a general office environment.

(A) **Tools and Equipment Used.** A personal computer, including word processing, database and spreadsheet programs, mainframe computer terminal and programs; sound recording equipment, calculator, multi-line telephone, base radio, copy machine, fax machine, manual typewriter and occasional use of automobile.

THIS DOCUMENT IS INTENDED TO INDICATE THE GENERAL TASKS AND LEVELS OF DIFFICULTY THAT WILL BE REQUIRED FOR THESE POSITIONS AND SHALL NOT BE CONSTRUED AS DECLARING WHAT THE SPECIFIC DUTIES AND RESPONSIBILITIES WILL BE FOR THIS POSITION ON A DAILY BASIS. THIS DOCUMENT SHALL NOT BE CONSIDERED AN EMPLOYMENT CONTRACT AND THE VILLAGE ASSUMES NO CONTRACTUAL LIABILITY BASED ON THIS DOCUMENT. THE VILLAGE RESERVES THE RIGHT TO ASSIGN, CHANGE, REVISE, DIRECT AND CONTROL THE WORK THAT IS PERFORMED IN THIS EMPLOYMENT POSITION.

1-3-60 **RESERVED.**

DIVISION VI - JUDICIARY

1-3-61 **APPOINTMENT OF ATTORNEY.** 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 reasonable fees for 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. **(65 ILCS 5/3.1-30-5)**

1-3-62 **DUTIES: PROSECUTE FOR VILLAGE.** 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 him or her with certified copies of any ordinance, bond or paper in keeping necessary to be filed or used in any suit or proceedings.

1-3-63 **DUTIES: 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.

1-3-64 **DUTIES: 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.

1-3-65 **DUTIES: 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.

1-3-66 **DUTIES: 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.

1-3-67 **DUTIES: 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.

1-3-68 **DUTIES: 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.

1-3-69 **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 to 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**".

(B) 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.

1-3-70 - 1-3-72 **RESERVED.**

DIVISION VII – SUPERINTENDENT OF PUBIC WORKS/VILLAGE ENGINEER

1-3-73 **POSITION ESTABLISHED - APPOINTED.** The Superintendent of Public Works/Engineer is appointed by the Mayor with the advice and consent of the Village Board. The Superintendent of Public Works/Engineer is a full-time position. The Superintendent of Public Works/Engineer serves under the direction of the Chairman of the Public Works Committee but ultimately reports to the Mayor and Village Board. The Superintendent of Public Works/Engineer exercises supervision over the employees in the Village Public Works Department and manages, organizes and directs the operation, construction, regulation, inspection, and monitoring of the Village's potable water system, the sanitary sewer system, the storm water collection system, the street system and building and grounds maintenance. **(65 ILCS 5/3.1-30-5)**

1-3-74 **MINIMUM QUALIFICATIONS.**

(A) **Education.** Bachelor's Degree in engineering, public administration, business management or similarly related fields. Illinois registration as a professional engineer is required.

(B) **Experience.** **Six (6) years'** experience in engineering, public works or utilities experience. At least **two (2) years** of experience at a management or supervisory level is desired.

(C) **Knowledge.** Theory, principles, practices and techniques of public works, traffic engineering, municipal water and sanitary sewer engineering, storm water engineering and public works and utilities maintenance functions; applicable federal, state and local law, codes and regulations governing the administration of public works and public utilities functions and activities; principles and practices of public administration, including budgeting, purchasing, personnel management and the maintenance of public records; occupational hazards and standard safety precautions necessary in the work to be performed by the Village Public Works Department, including Federation (OSHA), state or local regulations; geography of the Village, including the location of potable water system, sanitary sewer system, storm water system and street system; field maintenance of equipment and tools.

(D) **Abilities.** Supervise, train, assign, schedule and monitor the maintenance and repair of potable water system, sanitary sewer system, storm water collection system and street system; communicate clearly and concisely, both orally and in writing; establish and maintain cooperative working relationships; conduct studies, prepare comprehensive reports and determine cost effective ways for constructing and maintaining potable water and sanitary sewer system, storm water collection system and street system; analyze situations and adopt an effective course of action; read and interpret gauges and recording devices reflecting potable water and sanitary sewer systems; observe, compare and monitor data to determine compliance with prescribed operating or safety standards and take effective corrective action when necessary; operate a personal computer, two-way radio, telephone; supervise, assign and participate in work safely without presenting a direct threat to self or others.

(E) **Licenses/Certificates.** A valid and appropriate Illinois driver's license; must have and maintain a satisfactory driving record and be insurable to operate Village vehicles; Public Water Supply Operator License; Waste Water Operator License; other necessary certificates from the Illinois EPA.

1-3-75 **DUTIES OF POSITION.** This job description is not intended to limit the responsibilities of an individual appointed to this position or these duties listed. The appointed official is expected to follow any other reasonable instructions and perform any other reasonable duties requested by the Mayor and Village Board. The level of involvement may vary based on need and individual capabilities.

(A) Develops, implements and supervises potable water system to ensure compliance with all federal and state requirements relating to drinking water standards.

(B) Reviews the scheduling of water orders and production to meet demand.

- (C) Plans, organizes and directs the activities of the Village Public Works Department relating to operation, maintenance, construction and improvement of the potable water system, sanitary sewer system, storm water collection system, street system and municipal buildings and grounds.
- (D) Develops and implements the application of techniques, methods, and processes to increase the efficiency and quality of operation and maintenance of the potable water and sanitary sewer systems.
- (E) Inspects utility facilities installed by new development and ensures that all utility facilities are installed per Village specifications.
- (F) Records and carries out a preventive maintenance program for the water distribution system and various utility facilities.
- (G) Must be available for standby emergency call-back duty as necessary.
- (H) Requisition supplies and materials.
- (I) Recommend the purchase of equipment and prepare equipment specifications.
- (J) Receive, investigate, and resolve public complaints.
- (K) Inspect work sites before, during and after completion to assure work is completed in a safe, satisfactory and thorough manner.
- (L) Prepare and administer the Village Public Works Department budget.
- (M) Supervise and monitor the billing to customers for services provided in regard to the potable water and sanitary sewer systems.
- (N) Ensure the adherence to safe work practices by the employees of the Village Public Works Department.
- (O) Coordinate activities with other Village departments and outside agencies.
- (P) Supervise, train, schedule and evaluate employees of the Village Public Works Department.
- (Q) Read and interpret construction plans and specifications.
- (R) Maintain workload statistics and monthly performance reports.
- (S) Prepare cost estimates for maintenance or replacement of Village equipment and facilities utilized by the Village Public Works Department.
- (T) Provide for employee training and maintain a regular safety training program.
- (U) Develop and implement energy saving programs throughout the Village.
- (V) Read and interpret construction plans and specifications.
- (W) Estimate and gather quotes for annual material purchases.
- (X) Maintain workload statistics and monthly performance reports.
- (Y) Survey and review Village property and infrastructure to evaluate and make recommendations related to maintenance or replacement needs.
- (Z) Coordinate and schedule preventive maintenance for Village property and infrastructure and perform other duties as assigned.

1-3-76 **PHYSICAL DEMANDS.** The physical demands as described are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this employee regularly requires the use of hands to feel, grasp, handle or operate objects, tools or controls, and reach with hands and arms. The employee frequently is required to stand, sit, talk and hear. The employee is required to walk, sit, climb, balance, stoop, kneel, crouch, crawl and use the sense of smell. The employee must occasionally lift and/or move up to **twenty-five (25) pounds**. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

1-3-77 **WORK ENVIRONMENT.** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this employee will occasionally work outdoors

in inclement weather conditions. This employee also occasionally works near moving mechanical parts and performs assignments in the public right-of-way, which may be a risk to personal safety. This employee is exposed to risks that are common to street and facility maintenance as well as the operation of potable water and sanitary sewer systems including contact with fumes, airborne particles and toxic or caustic chemicals.

1-3-78 TOOLS AND EQUIPMENT USED. Motorized vehicles for driving and evaluation purposes, power hand tools and equipment typically used in the performance of public works to include generators, pumps, motors, gauges, meters, valves, shovels, and detection devices as well as carpentry, painting, plumbing, electrical, and cement finishing work, jacks, hydraulic lifts, air tools, pneumatic paint equipment and mechanic's tools associated with both minor repairs and routine maintenance of equipment and motorized vehicles.

[NOTE: THIS DOCUMENT IS INTENDED TO INDICATE THE GENERAL TASKS AND LEVELS OF DIFFICULTY THAT WILL BE REQUIRED FOR THIS POSITION AND SHALL NOT BE CONSTRUED AS DECLARING WHAT THE SPECIFIC DUTIES AND RESPONSIBILITIES WILL BE FOR THIS POSITION ON A DAILY BASIS. THIS DOCUMENT SHALL NOT BE CONSIDERED AN EMPLOYMENT CONTRACT AND THE VILLAGE ASSUMES NO CONTRACTUAL LIABILITY BASED ON THIS DOCUMENT. THE VILLAGE RESERVES THE RIGHT TO ASSIGN, CHANGE, REVISE, DIRECT AND CONTROL THE WORK THAT IS PERFORMED IN THIS EMPLOYMENT POSITION.]

(Ord. No. 1103; 02-17-10)

1-3-79 - 1-3-80 RESERVED.

DIVISION VIII – PUBLIC WORKS GENERAL FOREMAN

1-3-81 APPOINTMENT. The Public Works General Foreman is appointed by the Mayor with the advice and consent of the Village Board. The Public Works Foreman is a supervisory position that directs installation and maintenance of the Village potable water system, sanitary sewer system, storm water system, street system and building and ground maintenance. The Public Works Foreman serves under the Superintendent of Public Works, but reports to the Chairman of the Public Works Committee and ultimately reports to the Mayor and Village Board.

1-3-82 MINIMUM QUALIFICATIONS.

(A) **Education.** High school diploma or General Education Diploma.

(B) **Experience.** **Five (5) years'** experience in construction, maintenance or public utility work; or any combination of education, training and work experience to demonstrate knowledge, skills, and abilities that meet or exceed the above minimum requirements.

(C) **Knowledge.** Knowledge of general construction/maintenance work; types and level of construction, maintenance and repair activities performed in a water system, sanitary sewer system, storm water system, street system and building and ground maintenance; interpret drawings, plans, specifications and engineering issues; knowledge of occupational hazards and standard safety precautions necessary in the work to be performed by the Village Public Works Department, including Federal (OSHA), state or local regulations; familiar with hand tools, power tools and other construction equipment; knowledge of use and maintenance of light and heavy equipment; trenching, shoring and other safety issues; basic math and record keeping; the Village street and address system.

(D) **Abilities.** Maintain, clean and repair all equipment and tools; perform strenuous labor activities, if necessary; ability to read and comprehend simple instructions, short correspondence, and memos; ability to write simple correspondence; ability to effectively present information regarding work projects when necessary; establish and maintain cooperative working relationships; operate a

personal computer, two-way radio, telephone; participate in work safely without presenting a direct threat to self or others; maintain accurate and up-to-date records; read and interpret plans, specifications and maps.

(E) **Licenses/Certificates.** A valid and appropriate Illinois driver's license; must have and maintain a satisfactory driving record and be insurable to operate Village vehicles.

1-3-83 DUTIES OF POSITION. This job description is not intended to limit the responsibilities of an individual appointed to this position or these duties listed. The appointed employee is expected to follow any other reasonable instructions and perform any other reasonable duties requested by the Superintendent of Public Works, Mayor or Village Board. The level of involvement may vary based on need and individual capabilities.

- (A) Assigns Public Works Department employees to various projects.
- (B) Makes employee assignment changes as needed to ensure workforce efficiency.
- (C) Supervises the work of Public Works employees.
- (D) Examines work for exactness, neatness, and conformance to policies and procedures.
- (E) Promotes positive public relations.
- (F) Serves as crew leader.
- (G) Issues written and oral instructions to Public Works Department employees.
- (H) Establish and maintain effective, supportive and harmonious working relationships with co-workers, other agencies and Village administration.
- (I) Perform installation, maintenance and repair work related to the Village Public Works Department, if necessary.
- (J) Turning water service on or off.
- (K) Adhere to safe work practices.
- (L) Read and interpret construction plans and specifications.
- (M) Locate and repair leaks in the Village water system.
- (N) Responsible for and able to operate various power and hand tools or equipment.
- (O) Perform maintenance and repair to Village buildings, structures and other property.
- (P) Performs manual labor in the collection of bulk trash, leaves and holiday/special event decorations.
- (Q) Operates snow plow and salt spreader attachment to dump truck.
- (R) Works varied shifts as necessary to resolve snow emergency situations or any other Village emergencies.
- (S) Set up work zones and pedestrian controls.
- (T) Makes minor repairs on equipment such as mowers, spreaders and snow removal equipment.
- (U) Performs other duties as assigned.

1-3-84 PHYSICAL DEMANDS. The physical demands as described are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this employee regularly requires the use of hands to feel, grasp, handle or operate objects, tools or controls, and reach with hands and arms. The employee frequently is required to stand, talk and hear. The employee is required to walk, sit, climb, balance, stoop, kneel, crouch, crawl and use the sense of smell. The employee may be needed to frequently lift and/or move up to **fifty (50) pounds** and occasionally lift and/or move up to **one hundred (100) pounds**. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

1-3-85 **WORK ENVIRONMENT.** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations, if any, may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, this employee will generally work outdoors and occasionally work in inclement weather conditions or on all types of surfaces and terrain. This employee also works near moving mechanical parts and performs assignments in the public right-of-way, which may be a risk to personal safety. This employee is frequently exposed to wet and/or humid conditions and vibration and may come in contact with fumes or airborne particles and toxic or caustic chemicals. This employee is exposed to risks that are common to the execution of water/sewer utility and facility maintenance.

1-3-86 **TOOLS AND EQUIPMENT USED.** Motorized vehicles such as dump trucks, utility trucks and pickup trucks; power hand tools and equipment typically used in the performance of water/sewer maintenance including pumps, gauges, detection devices, wrenches, shovels, plumbing and electrical equipment; mechanic's tools, jacks, hydraulic lifts, air tools, pneumatic paint equipment and devices associated with both minor repairs and routine maintenance of equipment and motorized vehicles.

[NOTE: THIS DOCUMENT IS INTENDED TO INDICATE THE GENERAL TASKS AND LEVELS OF DIFFICULTY THAT WILL BE REQUIRED FOR THIS POSITION AND SHALL NOT BE CONSTRUED AS DECLARING WHAT THE SPECIFIC DUTIES AND RESPONSIBILITIES WILL BE FOR THIS POSITION ON A DAILY BASIS. THIS DOCUMENT SHALL NOT BE CONSIDERED AN EMPLOYMENT CONTRACT AND THE VILLAGE ASSUMES NO CONTRACTUAL LIABILITY BASED ON THIS DOCUMENT. THE VILLAGE RESERVES THE RIGHT TO ASSIGN, CHANGE, REVISE, DIRECT AND CONTROL THE WORK THAT IS PERFORMED IN THIS EMPLOYMENT POSITION.]

1-3-87 - 1-3-89 **RESERVED.**

DIVISION IX - CODE ENFORCEMENT OFFICER

1-3-90 **CREATION OF POSITION.** There is hereby created the position of Code Enforcement Officer who shall be appointed by the Mayor for a **one (1) year** term with the advice and consent of the Village Board.

1-3-91 **DUTIES.** The Code Enforcement Officer shall administer and enforce the provisions of the Villager Code as amended from time to time, with the exception of the Development Code, as follows:

- (A) Conduct inspections of properties to determine compliance with the applicable provisions of the Village Code not assigned to another official.
- (B) Notify, in writing, the permit or firm responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.
- (C) Keep the corporate authorities advised by written report once a month of all enforcement actions and any remediation of the violations.

1-3-92 - 1-3-93 **RESERVED.**

DIVISION X - ZONING ADMINISTRATOR

1-3-94 CREATION OF POSITION. There is hereby created the position of Zoning Administrator. The Zoning Administrator shall be hired under the provisions of **Section 1-3-6** of the Revised Code. Additional duties shall be outlined in the zoning administrator's job description and may be amended from time to time by the Village Board.

1-3-95 DUTIES. The Zoning Administrator or his authorized representative shall administer and enforce the Development Code, as amended from time to time and is in effect, in accordance with the powers and duties therein set forth, and in furtherance of such authority shall:

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

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

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

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

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

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

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

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

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

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

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

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

(M) The Zoning Administrator shall perform other duties as may be specifically assigned to him or her by the Village Board.

1-3-96 - 1-3-97 RESERVED.

ARTICLE IV - SALARIES

1-4-1 SALARIES OF VILLAGE OFFICIALS. The following salaries are hereby established for elected Village Officials:

(A) **Mayor.** The Mayor shall receive **Fourteen Thousand One Hundred Dollars (\$14,100.00)** per year plus **Two Hundred Dollars (\$200.00)** per month in expenses.

(B) **Trustees.** The Village Trustees shall receive **Nine Thousand Nine Hundred Dollars (\$9,900.00)** per year plus **One Hundred Seventy-Five Dollars (\$175.00)** per month in expenses.

(C) **Village Clerk.** The Village Clerk shall be paid a salary of **Ten Thousand Eight Hundred Dollars (\$10,800.00)** per year plus **Two Hundred Dollars (\$200.00)** per month in expenses.

(D) **Village Treasurer.** The Village Treasurer shall be paid a salary as established in the annual 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 the beginning of the terms of the officers whose compensation is to be filed.

The ordinance fixing compensation for members of the corporate authorities shall specify whether those members are to be compensated (i) at an annual rate or, (ii) for each meeting of the corporate authorities actually attended if public notice of the meeting was given.]

ARTICLE V – MEETING PROCEDURES

DIVISION I – RECORDING CLOSED MEETINGS

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

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

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

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

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

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

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

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

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

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

ARTICLE VI – REMOTE MEETING PARTICIPATION

1-6-1 **STATUTORY AUTHORITY FOR PARTICIPATION.** Pursuant to Public Act 94-1058 which amends the Open Meetings Act in **5 ILCS 120/7**, this municipality does hereby establish a policy that permits members of the corporate body to attend meetings by means other than physical presence.

1-6-2 **DEFINITION OF MEETING.** The term “meeting” shall mean “any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business” or such other definition as shall be contained within the state statutes.

1-6-3 **AMENDMENT OF PREVIOUS TERMS.** The definition of “meeting” set forth in **Section 1-6-2** shall supersede and replace any other definition used in any previous or existing ordinance.

1-6-4 **REMOTE PARTICIPATION POLICY.** The Village hereby adopts the Remote Participation Policy, as outlined in Addendum “A”, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.

ADDENDUM "A"

GOVERNMENTAL UNIT REMOTE ATTENDANCE POLICY

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

(B) **Prerequisites.** A member of the Covered Group of the Village shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets the following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

- (1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;
- (2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the Village; or (3) the member cannot attend because of a family or other emergency; and
- (3) a quorum of the Covered Body must be physically present.

(C) **Voting Procedure.** After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

(E) **Minutes.** The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting of the members and is allowed to participate. The meeting minutes of the Village shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

ADDENDUM "B"

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

NAME OF APPLICANT: _____

NAME OF COMPANION: _____

ADDRESS: _____

TELEPHONE: _____ CELL NO.: _____

DATE OF NEEDED AUXILIARY AID OR SERVICE: _____

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

DATE: _____ SIGNED: _____

Please keep in mind that pursuant to Section 1-2-13 that establishes rules governing the address of the Village Board, all remarks must be kept to a maximum of five minutes, shall be addressed to the Village Board, and shall not be disruptive to the business of the Board. The Mayor is empowered to remove individuals from any meeting should they fail to adhere to the rules regarding address of the Board.

VILLAGE OF CASEYVILLE, ILLINOIS

CLOSED SESSIONS – MINUTES

NOTE: The identifying names have been changed to preserve confidentiality for Caseyville.

Inventory	Date	Purpose	Discussion	Action	Proposed Comments

Key

- P Personnel**
- P/L Pending Litigation**
- L/A Land Acquisition**
- CB Collective Bargaining**

ANIMALS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	GENERAL REGULATIONS	
	Section 3-1-1 - Animal Control Act	3-1
	Section 3-1-2 - Humane Care for Animals Act	3-1
	Section 3-1-3 - Definitions	3-1
	Section 3-1-4 - Animal Control Officer	3-2
	Section 3-1-5 - Entry Onto Private Property	3-3
	Section 3-1-6 - Animals at Large	3-3
	Section 3-1-7 - Failure to Control an Animal	3-3
	Section 3-1-8 - Impoundment of Animals	3-3
	Section 3-1-9 - Impoundment of Animal After Reported Bite	3-4
	Section 3-1-10 - Killing of Dangerous or Vicious Animals	3-4
	Section 3-1-11 - Manner of Keeping	3-4
	Section 3-1-12 - Tethering Dog Regulations	3-4
	Section 3-1-13 - Dogs or Cats in Heat	3-5
	Section 3-1-14 - Limitation on Number of Animals	3-5
	Section 3-1-15 - Keeping Wild Animals	3-5
	Section 3-1-16 - Prohibited Animals	3-6
	Section 3-1-17 - Health Hazard	3-6
	Section 3-1-18 - Food, Water and Shelter	3-6
	Section 3-1-19 - Cruelty to Animals	3-6
	Section 3-1-20 - Animal Fighting	3-6
	Section 3-1-21 - Keeping Loud Animals	3-6
	Section 3-1-22 - Liability of Owner for Physical Injury	3-6
	Section 3-1-23 - Injury to Property	3-6
	Section 3-1-24 - Animals Exhibiting Signs of Rabies	3-7
	Section 3-1-25 - Inoculation Against Rabies	3-7
	Section 3-1-26 - Identification Tags	3-7
	Section 3-1-27 - License Requirement	3-7
	Section 3-1-28 - Fees Requirement	3-7
	Section 3-1-29 - Dog or Cat Breeding	3-7
	Section 3-1-30 - Incurred Expenses	3-8
	Section 3-1-31 - License Renewals and Revocations	3-8
	Section 3-1-32 - Penalties	3-8
II	DOGS	
	Section 3-2-1 - Definitions	3-9
	Section 3-2-2 - Dogs to be Inoculated and To Have Name Tags Affixed to Collars	3-9
	Section 3-2-3 - Inoculation to be Performed by Licensed Veterinarian; Issuance of Certificate	3-9
	Section 3-2-4 - Duration of Inoculation	3-9
	Section 3-2-5 - Specifications for Tag	3-9
	Section 3-2-6 - Exhibition of Certificate Upon Request	3-9
	Section 3-2-7 - Restraint of Dogs	3-9
	Section 3-2-8 - Impoundment of Dogs Running at Large or Unlicensed Dogs; Citation of Owner or Keeper	3-9
	Section 3-2-9 - Notice and Citation to Owner or Keeper of Impoundment	3-10
	Section 3-2-10 - Obstructing Poundmaster	3-10

<u>ARTICLE</u>		<u>TITLE</u>	<u>PAGE</u>
II	DOGS (CONTINUED)		
	Section 3-2-11	- Impoundment of Animals Which Have Bitten Persons	3-10
	Section 3-2-12	- Impoundment	3-10
	Section 3-2-13	- Redemption of Impounded Animals	3-10
	Section 3-2-14	- Village Pound Designated	3-11
	Section 3-2-15	- Disposition of Dogs Deemed Nuisances	3-11
	Section 3-2-16	- Dangerous Dog - Female Dog at Large	3-11
	Section 3-2-17	- Female Dogs with Other Dogs	3-11
	Section 3-2-18	- Confinement in Motor Vehicle	3-11
	Section 3-2-19	- Vicious Animals Prohibited	3-11
III	VICIOUS AND DANGEROUS DOGS		
	Section 3-3-1	- Definitions	3-12
	Section 3-3-2	- Unlawful to Maintain	3-12
	Section 3-3-3	- Owner's Responsibility	3-13
	Section 3-3-4	- Dog Permitted to Leave Premises	3-13
	Section 3-3-5	- Injunction	3-13
	Section 3-3-6	- Liability of Owner of Dog Attacking or Injuring Person	3-13
	Section 3-3-7	- Right of Entry – Inspections	3-13

CHAPTER 3

ANIMALS

ARTICLE I – GENERAL REGULATIONS

3-1-1 ANIMAL CONTROL ACT. The Village hereby incorporates the Illinois Animal Control Act, **510 ILCS 5/1, et seq.** by reference.

3-1-2 HUMANE CARE FOR ANIMALS ACT. The Village hereby incorporates the Illinois Humane Care for Animals Act, **510 ILCS 70/1, et seq.** by reference.

3-1-3 DEFINITIONS. For the purpose of this Chapter, the following definitions shall apply:

"ANIMAL" means any reptile, amphibian, bird or mammal, but excluding humans.

"AT LARGE" means off the premises of the owner and not under the restraint of the owner.

"ATTACK" means to inflict or attempt to inflict bodily harm to a person or companion animal or to chase, pursue or to engage in other behavior that would cause a reasonable person to be fearful of bodily harm.

"BITE" means to seize with the teeth or jaws so that a person or another animal has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

"COMPANION ANIMAL" means an animal kept in or near a household for the primary purpose of companionship for any members of the household.

"CONFINED" means the restriction of an animal at all times by the owner, or his agent, to an enclosure away from other animals and the public.

"DANGEROUS DOG" means:

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

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

"ENCLOSURE" means a fence or structure of at least **six (6) feet** in height, preventing the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner. An "enclosure" shall be securely locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the "enclosure" is a room within a residence, the door must be locked.

"HABITUALLY" means for longer than **ten (10) minutes**.

"HUMANELY DISPATCHED" means the painless administration of a lethal dose of an agent which shall cause the death of an animal. This procedure shall not destroy brain tissue necessary for laboratory

examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

"IMPOUND" means to place in a public or private pound. The Animal Control Officer and the Village Police Department may employ any method found practical and humane in capturing and impounding any animal.

"IN HEAT" means a dog or cat that is showing signs of estrus (a regularly occurring period of sexual excitability in female members of the Canidae and Feline families).

"LEASH" means a cord, rope, strap, or chain which shall be of sufficient strength and reasonable composition for the purpose of keeping an animal under control.

"OWNER" means any person having a right of property in an animal, or who keeps or harbors an animal, or who acts as the custodian of an animal, or who knowingly permits an animal to remain on or about any premises occupied or controlled by said person.

"PHYSICAL INJURY" means the impairment of physical condition.

"POLICE DEPARTMENT" means the Chief of Police and the police officers of the Village.

"POUND" means any facility approved by the Village or Animal Control Officer for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs, cats, or other animals.

"RESTRAINT" means control by a leash, enclosed within a vehicle being driven or parked on the streets, or kept in an enclosure on the property limits of the owner. For the purposes of this Code, the definition of "restraint" does not include control by voice of the owner.

"SERIOUS PHYSICAL INJURY" means a physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or that requires plastic surgery.

"STRAY ANIMAL" means an animal, usually domesticated and not a wild animal, for which there is no known or apparent owner.

"TETHERING" means to attach an animal to a stationary object or pulley run by means of a chain, rope, tether, cable or similar device. For the purposes of this definition, the definition of "tethering" does not include the use of a leash to walk an animal.

"VICIOUS ANIMAL" means an animal that, without justification, attacks a person or companion animal and causes serious physical injury or death. A "vicious animal" is also any animal that has been found to be a "dangerous animal" upon **three (3)** separate occasions. All "vicious animals" shall have a microchip implanted at the owner's expense. All "vicious animals" shall also be subject to neutering or spaying at the owner's expense. No animal shall be deemed "vicious" if it bites, attacks or menaces anyone that has abused it or if it is a professionally trained animal for law enforcement.

"VILLAGE" means the Village of Caseyville, Illinois.

3-1-4 ANIMAL CONTROL OFFICER. An Animal Control Officer shall report to and be under the control of the Chief of Police. It shall be the duty of the Animal Control Officer, through humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary in the Animal Control Officer's discretion, to control and prevent the spread of rabies

in the Village and to exercise dog and cat overpopulation control. The Animal Control Officer is, for the purpose of enforcing this Code, clothed with power of police officers in the Village for the purpose of enforcing this Code and the similar provisions of the state statutes relating to animals and rabies, including issuance and service of citations and orders and to execute and serve all warrants and processes issued by the Village or the Circuit Court. The Animal Control Officer is prohibited from carrying concealed weapons, but may use tranquilizer guns and other nonlethal weapons. The Police Department shall cooperate with the Animal Control Officer in carrying out the provisions of this Code and the state statutes.

3-1-5 **ENTRY ONTO PRIVATE PROPERTY.** For the purpose of carrying out the provisions of this Code, the Animal Control Officer and the Police Department may enter upon private property, provided that the entry shall not be made into any building that is a person's residence, to apprehend a stray animal, a dangerous or vicious animal, or an animal thought to be infected with rabies. The Animal Control Officer and the Police Department may only enter a building used as a person's residence under an emergency condition for the purposes of either apprehending an animal that is in imminent danger or for apprehending an animal that is causing imminent danger.

3-1-6 **ANIMALS AT LARGE.**

(A) No dog or cat shall be permitted to run at large on any public way or in any public place, or upon the private property of any person other than the owner of the dog or cat. Any such dog or cat found running at large shall be apprehended and impounded by the Animal Control Officer or the Police Department.

(B) Any dog or cat found running at large a second or subsequent time shall be spayed or neutered, if not previously done, prior to being returned to its owner.

(C) No animal, other than a dog or cat and further meaning a domesticated animal rather than a wild animal, shall be permitted to run at large on any public way or in any public place, or upon the private property of any person other than the owner of said animal. Any such animal shall be apprehended and impounded by the Animal Control Officer or the Police Department.

(D) All stray animals shall be apprehended and impounded by the Animal Control Officer or the Police Department.

3-1-7 **FAILURE TO CONTROL AN ANIMAL.**

(A) It shall be unlawful for an owner to fail to exercise reasonable care with respect to the control of an animal if, as a result of such failure, the animal inflicts physical injury of any kind to a person or a companion animal.

(B) It shall be unlawful for an owner to fail to exercise reasonable care with respect to the control of an animal if, as a result of such failure, the animal causes a reasonable person to fear an imminent threat of physical injury to a person or a companion animal.

(C) It shall be unlawful for an owner to permit any animal to snap, growl, snarl, jump upon or threaten any persons lawfully using any common sidewalk, alley, street, park, public area or any place where people congregate or walk.

3-1-8 **IMPOUNDMENT OF ANIMALS.** When an animal is impounded by the Animal Control Officer or Police Department, the animal shall be scanned for the presence of a microchip. The Animal Control Officer or Police Department shall make a reasonable attempt to contact the owner as soon as possible. If possible, notice of the impoundment shall be personally delivered or mailed to the last known address of the owner.

(A) If, during the period of **seven (7) days**, such impounded animal develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms are such as to indicate the presence of rabies, such impounded animal shall be humanely dispatched and the entire brain of any such animal shall be submitted for rabies examination thereafter.

(B) If, during a period of **seven (7) days**, no symptoms of rabies have developed in the impounded animal, then the impounded animal may be redeemed by its owner at any time during that **seven (7) day** period subject, however, to any other requirements of this Code or the pound.

(C) All animals that are impounded shall have a microchip implanted and shall also be subject to neutering or spaying all of which are at the owner's expense.

(D) A vicious animal shall be humanely dispatched following a **ten (10) day** period rabies evaluation period and the entire brain of any such animal shall be submitted for rabies examination thereafter.

(E) Any animal that is not redeemed after the **seven (7) day** period may be humanely dispatched or otherwise disposed of by the pound.

3-1-9 **IMPOUNDMENT OF ANIMAL AFTER REPORTED BITE.** When the Animal Control Officer or Police Department receives information that any person or companion animal has been bitten by another animal, the Animal Control Officer or Police Department shall impound the attacking animal for a period of **ten (10) days**.

(A) If, during that period of **ten (10) days**, such impounded animal develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms are such as to indicate the presence of rabies, such impounded animal shall be humanely dispatched and the entire brain of any such animal shall be submitted for rabies examination thereafter.

(B) If, during that period of **ten (10) days**, no symptoms of rabies have developed in the impounded animal, then the impounded animal may be redeemed by its owner if (1) said animal is not a "vicious" animal; and (2) it is the first time said animal has been impounded for a biting incident. The redemption of the animal is, however, subject to any other requirements of this Code or the pound.

(C) If an animal is impounded for a second biting incident, then the impounded animal shall be humanely dispatched following the **ten (10) day** period and the entire brain of any such animal shall be submitted for rabies examination thereafter.

(D) All animals that are impounded shall have a microchip implanted and shall also be subject to neutering or spaying all of which are at the owner's expense.

(E) A vicious animal shall be humanely dispatched following the **ten (10) day** period and the entire brain of any such animal shall be submitted for rabies examination thereafter.

(F) Any animal that is not redeemed after the **ten (10) day** period may be humanely dispatched or otherwise disposed of by the pound.

(G) Service animals, such as guide dogs for the blind or hearing-impaired, support animals for the physically handicapped or police-owned animals are exempt from this Section, provided an attack or injury to a person or companion animal occurs while the service animal is performing its duties. To qualify for exemption under this Section, the service animal shall be currently vaccinated against rabies in accordance with this Code and shall have completed a training course certified or accredited by a recognized or official law enforcement/security or disabled services agency for the purpose of guard or support services.

3-1-10 **KILLING OF DANGEROUS OR VICIOUS ANIMALS.** The Animal Control Officer and Police Department may kill any dangerous or vicious animal when it is necessary for the immediate protection of any person or property. The Animal Control Officer and Police Department shall not be liable for any damages in association with the killing of the dangerous or vicious animal. The entire brain of any such animal shall be submitted for rabies examination thereafter.

3-1-11 **MANNER OF KEEPING.** Any equipment or enclosure used to restrain or confine an animal shall be of such construction so as to be easily cleaned and shall not be allowed to become unsightly. Such equipment or enclosure shall be adequate for the purpose and kept in good repair. In the areas where kennels are permitted, no kennel shall be located closer than **ten (10) feet** to the boundary of any adjacent residential lot.

3-1-12 TETHERING DOG REGULATIONS. The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

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

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

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

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

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

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

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

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

(I) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof and four (4) sides. The acceptable kennel size is one hundred twenty-five (125) square feet per dog of under fifty (50) pounds.

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

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

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

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

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

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

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

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

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

(M) No dog shall be tethered longer than eight (8) hours continuously in one (1) day.

3-1-13 DOGS OR CATS IN HEAT. The owner of any female dog or cat which is in heat shall not keep, harbor, or otherwise maintain such dog or cat in the Village unless the dog or cat is confined in a secure enclosure during the entire period the dog or cat is in heat, except that it shall be lawful for a dog or cat in heat to be walked if the dog or cat is restrained and is not permitted to run at large. Any dog or cat in heat which is not so confined or restrained will be declared to be a public nuisance and may be apprehended and impounded by the Animal Control Officer or the Police Department.

3-1-14 LIMITATION ON NUMBER OF ANIMALS. It shall be unlawful for any person(s) to keep more than **three (3)** of any type of animal (i.e. dog, cat, bird) on the premises. This Section shall not be construed to apply to an Animal Hospital that is operated by a Veterinarian licensed by the State of Illinois.

3-1-15 **KEEPING WILD ANIMALS.** It shall be unlawful for any person to keep or permit to be kept any wild animal on the premises as a pet, unless a permit is granted by the Illinois Department of Natural Resources. It shall also be unlawful for any person to keep or permit to be kept any wild animal on the premises for display or exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks or circuses.

3-1-16 **PROHIBITED ANIMALS.** It shall be unlawful for any person to keep within the Village any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock. This Section shall not be construed to apply to areas of the Village that are zoned as an Agricultural District, nor shall this Section apply to livestock brought into the Village while only in transit to another location outside the Village. This section shall not apply to certain species of Swine expressly exempted in Section 3, herein.

(A) The Prohibition, in Section 3-1-16, shall not apply to Vietnamese Potbelly Pigs, or similar breeds, that do not exceed 200 lbs. Any person owning swine exempted from the Prohibition in Subsection 3-1-16(A) must comply with the Subsection 3-1-16(B)

(B) **DEFINITION.** For the purpose of this Section, Swine shall be defined as any species of Swine allowed under the exception provided by Subsection 3-1-16(A) kept within the jurisdictional limits of the Village of Caseyville.

ADOPTION OF CHAPTER THREE (3) OF THE REVISED CODE OF ORDINANCES.

Chapter 3 of the Revised Code of Ordinances, as hereafter amended, shall be incorporated as if fully set out herein. If there shall be any conflict between this Ordinance and Chapter 3, this Ordinance shall supersede and control.

SWINE AT LARGE. No Swine shall be permitted to run at large on any public way, or in any public place, or upon the private property of any person other than the owner of the Swine. Any such Swine found running at large shall be apprehended and impounded by the Animal Control Officer or the Police Department.

ANIMAL WELFARE. Any person owning, possessing, or keeping Swine shall be responsible for the health and welfare of the Swine at all times.

- (1) Any Swine kept within the Village must be maintained primarily within the residence itself and shall not be maintained primarily outside.
- (2) Swine shall be permitted outside of the residence temporarily. While outside of the residence, the Swine must be (1) kept in a fenced enclosure that is constructed of materials and in such a manner to prevent the Swine from escaping the enclosure and running at large; or (2) secured by leash, tether, chain, harness, or other similar material that prevents that animal from running at large. At all times, the owner must maintain control of the Swine to prevent the animal from running at large or injuring any person or property. Any Swine outside for more than sixty (60) consecutive minutes shall have access to sufficient food and water.
- (3) Swine shall be vaccinated in accordance with the laws of the State of Illinois and the rules promulgated by the Illinois Department of Agriculture. In addition, Swine shall be vaccinated for rabies annually. Any person applying for Swine license must provide appropriate documentation from a license veterinarian detailing compliance with this Subsection.
- (4) Swine shall be spayed and neutered. Any person applying for a Swine license must provide appropriate documentation from a licensed veterinarian detailing compliance with this Subsection.

LIMITATION ON THE NUMBER OF ANIMALS. It shall be unlawful for any person(s) to keep more than one (1) Swine on the premises. The subsection shall not apply to an animal hospital that is operated by a veterinarian licensed by the State of Illinois.

IDENTIFICATION TAGS. Every owner of a Swine shall cause the Swine to wear a collar or harness with an identification tag which is inscribed with the name, address, and phone number of the owner. Any Swine that does not have an identification tag may be apprehended and impounded by the Animal Control Officer or the Police Department. Any animal that does not have identification shall have a microchip implanted at the owner's expense.

LICENSE REQUIREMENT. The Animal Control Officer and Police Department shall issue licenses for all Swine within the Village of Caseyville. No Swine shall be permitted to remain in the Village without being licensed as provided herein. All Swine shall be registered on an annual basis, by calendar year, as to the name, sex, and breed of the Swine as well as the name and address of the owner.

LICENSE RENEWAL. On an annual basis, Swine license shall be renewed only if the owner is currently in full compliance with this Ordinance. If the owner has been found guilty of any violation of this Ordinance or Chapter 3 of the Revised Code of Ordinances, then the Village Board of Trustees may refuse to allow the renewal of, or may revoke, any Swine license. Any owner that has a Swine license revoked, or a renewal refused, shall not be issued any further Swine licenses by the Village. Following the revocation of, or refusal to renew a Swine license, the Village Clerk shall notify the owner of the revocation or refusal to renew, as well as a date, time and place where the owner may be allowed an opportunity to be heard by the Village Board of Trustees on behalf of his or her position. The Village Board will also allow any other interested persons a reasonable amount of time to speak either in favor of or against the revocation or refusal to renew of the Swine license. Any action by the Village Board thereafter shall be considered final and can be appealed to the St. Clair County Circuit Court.

FEES REQUIRMENT. Prior to the issuance of any license under this Section, the owner shall pay, or cause to be paid, a licensing fee equal to \$20.00. Prior to the renewal of any license under this Section, the owner shall pay, or cause to be paid, a licensing renewal fee equal to \$5.00. These fees shall be in addition to any other fee authorized by law, regulation, ordinance, or the like.

SWINE BREEDING. No person shall carry on the breeding of Swine anywhere within the Village.

PENALTIES. Any person violating any provision of this Ordinance shall face penalties as provided by Section 3-1-32, as hereafter amended.

The Animal Control Officer and the Police Department shall create the appropriate administrative forms for the issuance and renewal of Swine license. Forms shall be ready for public use no later than thirty (30) days following the passage of this Ordinance.

Any person, who owns Swine, which falls within the exemption provided by Subsection 3-1-16(A) as of the date of passage of this Ordinance, shall have forty-five days to come into compliance with this Ordinance and Ordinance 1045, as amended herein. This Ordinance shall not be applied retroactively to any alleged violations of Ordinance 1045 or Chapter 3 of the Revised Code of Ordinances.

This Ordinance shall be in full force and effect immediately upon its passage in the manner provided by law.

3-1-17 **HEALTH HAZARD.** The Mayor shall have the power to issue an order prohibiting the keeping of any animal which is deemed to pose a health hazard to the general public.

3-1-18 **FOOD, WATER AND SHELTER.** It shall be unlawful for any owner of an 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 to hot, stormy, cold or inclement weather.

3-1-19 **CRUELTY TO ANIMALS.** No person shall cruelly treat, inhumanely kill or cause to be cruelly treated or inhumanely killed or knowingly allow to be cruelly treated or inhumanely killed, any animal by beating, torturing, tormenting, mutilating, starving, neglecting, overworking or other abusing either his own animal, a stray animal or an animal belonging to another person.

3-1-20 **ANIMAL FIGHTING.** No person may own, operate, manage, maintain, charge admission to or be present at any place used for the purpose of having animals fight or attempting to have animals fight. Upon receiving a complaint of suspected violation of this Section, the Animal Control Officer and Police Department may, for the purpose of investigating the allegations of the complaint, enter upon any premises where the animal or animals described in the complaint are housed or kept.

3-1-21 **KEEPING LOUD ANIMALS.** It shall be unlawful for any owner to keep or harbor any animal which habitually disturbs the peace by loud noises at any time of the day or night. Such animals are hereby declared to be a nuisance and may be apprehended and impounded by the Animal Control Officer or the Police Department.

3-1-22 **LIABILITY OF OWNER FOR PHYSICAL INJURY.** If an animal, without provocation, attacks or injures any person or companion animal who is peaceably conducting himself, herself or itself in any public place or upon the private property of any person other than the owner of said attacking animal, the owner of the attacking animal is liable in damages to such person or owner of the companion animal for the injury sustained. Any damages assessed pursuant to this Section are in addition to any further penalties as found in this Code, the state statutes or the common law of Illinois.

3-1-23 **INJURY TO PROPERTY.**

(A) It shall be unlawful for any owner to permit an animal to go upon any public or private property without permission to do so and break, bruise, tear, crush or injure any lawn, flower bed, plant, shrub, tree, garden, equipment or structure in any manner whatsoever, or to defecate thereon.

(B) Any owner of an animal shall not permit an animal to go upon any public or private property without permission to do so unless the owner has, in his or her immediate possession, an appropriate device for scooping excrement and an appropriate depository for the transporting of the excrement. This subsection shall not apply to a person who is visually or physically handicapped.

(C) If an animal injures any property, as described in this Section, the owner of said animal is liable to the property owner for damages to said property. Any damages assessed pursuant to this Section are in addition to any further penalties as found in this Code, the state statutes or the common law of Illinois.

3-1-24 **ANIMALS EXHIBITING SIGNS OF RABIES.** The owner of any animal which exhibits clinical signs of rabies, whether or not such animal has been inoculated against rabies, shall immediately notify the Animal Control Officer or Police Department, and shall promptly confine the animal, or have it confined, under suitable observation, for a period of at least **ten (10) days**, unless officially authorized by the Animal Control Officer or Police Department, in writing, to release it sooner.

3-1-25 **INOCULATION AGAINST RABIES.** Each calendar year, or at such intervals as may hereafter be required by the State of Illinois, every owner of a dog or cat shall cause such dog or cat to be inoculated against rabies. Such owner shall keep evidence that the dog or cat has been inoculated against rabies on a collar or harness worn by the dog or cat. At any reasonable time upon request of the Animal Control Officer or the Police Department, the owner of any dog or cat shall provide evidence showing the dog or cat has been inoculated against rabies. Any animal for which there is no evidence of inoculation against rabies may be impounded by the Animal Control Officer or the Police Department.

3-1-26 **IDENTIFICATION TAGS.** Every owner of a dog or cat shall cause the dog or cat to wear a collar or harness with an identification tag which is inscribed with the name, address and phone number of the owner of the dog or cat. Any animal that does not have an identification tag may be apprehended and impounded by the Animal Control Officer or the Police Department. Any animal that does not have an identification tag shall have a microchip implanted at the owner's expense.

3-1-27 **LICENSE REQUIREMENT.** The Animal Control Officer and Police Department shall issue licenses for all dogs and cats within the Village. No dog or cat shall be permitted to remain in the Village without being licensed as provided herein. All dogs and cats shall be registered on an annual basis, by calendar year, as to the name, sex and breed of the dog or cat as well as the name and address of the owner.

3-1-28 **FEES REQUIREMENT.** The Animal Control Officer and Police Department shall carry out the provisions of this Code requiring registration or licensing of animals and the imposition of the registration or licensing fees imposed by the Village, as well as any other fees authorized by the Animal Control Act and Humane Care for Animals Act and herein implemented by the Village. Any fees established by St. Clair County for the purpose of the redemption, registration or care of animals shall also be enforceable through this Section.

3-1-29 **DOG OR CAT BREEDING.** No person shall carry on the breeding of dogs or cats anywhere within the Village without first obtaining a business license for such purpose. All breeding of dogs or cats is hereby deemed to be a business operated as a kennel regardless of where the breeding takes place and regardless of whether the dogs or cats are given away gratuitously or for a fee. The Village shall issue, refuse, revoke or renew any such business license pursuant to the provisions found in the Village Business License Code. If a business license is granted, such business license shall be subject to any conditions that are deemed necessary or advisable by the Village to prevent such breeding from becoming a nuisance. The breeding of dogs or cats, deemed to be business operated as a kennel, shall at all times be subject to any provisions as found in the Development Code.

3-1-30 **INCURRED EXPENSES.** Any expense incurred in the handling, boarding, impounding, spaying, neutering, microchipping, or care of any animal under this Code shall be borne by the owner of said animal.

3-1-31 **LICENSE RENEWALS AND REVOCATIONS.** On an annual basis, dog and cat licenses will be renewed only if the owner is currently in full compliance with this Code. If the owner has plead and been found guilty of any violation of this Code, then the Village Board of Trustees may refuse to allow the renewal of, or may revoke, any dog or cat license. Any owner that has a dog or cat license revoked, or a renewal refused, shall not be issued any further dog or cat licenses by the Village. Following any revocation of, or refusal to renew, a dog or cat license, the Village Clerk will notify the owner of the revocation, or refusal to renew, as well as a date, time and place where the owner will be allowed an opportunity to be heard by the Village Board of Trustees on behalf of his or her position. The Village Board will also allow any other interested persons a reasonable amount of time to speak either on behalf or against the revocation, or refusal to renew, of the dog or cat license. Any action taken by the Village Board thereafter shall be considered final and can be appealed to the St. Clair County Circuit Court.

3-1-32 **PENALTIES.**

(A) Any person, firm or corporation violating any provision of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Code.

(B) Any person, firm or corporation aiding in or abetting the violation of any provision of this Code, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Code, or resisting, obstructing, or impeding the Animal Control Officer or Police Department in enforcing this Code, or refusing to produce for inoculation any animal in the possession as required, or who removes a tag from an animal for purposes of destroying or concealing its identity, shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Code.

(C) A separate offense shall be deemed committed on each day during or on which any violation occurs or continues.

(D) The Village may commence any appropriate action at law or in equity to enforce the provisions of this Code and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. Any equitable remedies shall be in addition to the penalties set forth elsewhere in this Section.

(E) In addition to any other penalties as set out in this Section, the Village may commence an action to enjoin any persons from maintaining or protecting dangerous or vicious animals and further may abate the same and enjoin the owner of a dangerous or vicious animal from allowing the animal to leave the premises of its owner pursuant to this Code, state statute or Illinois common law.

(Ord. No. 1045; 12-19-07)

ARTICLE II - DOGS

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

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

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

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

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

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

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

3-2-6 **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or 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. (65 ILCS 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 or State.

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

(C) Any dog permitted to run at large within the 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.

[NOTE: The redemption fee has been established by the County Board.] (Ord. No. 764; 08-04-93) (510 ILCS 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.

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

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

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

3-2-13 REDEMPTION OF IMPOUNDED ANIMALS. The owner of any animal impounded under this Chapter may redeem the same by paying all the costs and charges assessed, if

any, that have accrued up to the time of making redemption and on paying the same; it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal.

3-2-14 **VILLAGE POUND DESIGNATED.** The Village Board does hereby designate the St. Clair County Animal Control Facility as the Village Pound.

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

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

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

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

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

(Generally Ord. No. 764; 08-04-93)

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

ARTICLE III - VICIOUS AND DANGEROUS DOGS

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

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

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

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

(B) **"Dangerous dog". See Section 3-1-3.**

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

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

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

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

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

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

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

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

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

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, 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 Warden of changes of address. In the case of a sentry or guard dog, the owner shall keep the Warden advised of the location where such dog will be stationed. The Warden shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him. **(510 ILCS 5/15)**

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

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

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

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

[NOTE: All violations of the Chapter are subject to the penalty provisions of Section 1-1-20 et seq.]

BOARDS AND COMMISSIONS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
<i>I</i>	<i>PLANNING COMMISSION</i>	
	<i>Section 4-1-1 - Established</i>	<i>4-1</i>
	<i>Section 4-1-2 - Membership</i>	<i>4-1</i>
	<i>Section 4-1-3 - Term of Office</i>	<i>4-1</i>
	<i>Section 4-1-4 - Procedure</i>	<i>4-1</i>
	<i>Section 4-1-5 - Powers and Duties</i>	<i>4-1</i>
	<i>Section 4-1-6 - Land Subdivision or Re-subdivision and the Official Map</i>	<i>4-2</i>
	<i>Section 4-1-7 - Improvements</i>	<i>4-2</i>
	<i>Section 4-1-8 - Further Purposes</i>	<i>4-2</i>
	<i>Section 4-1-9 - Expenditures</i>	<i>4-3</i>
<i>II</i>	<i>BOARD OF POLICE COMMISSIONERS</i>	
	<i>Section 4-2-1 - Appointment and Term of Office</i>	<i>4-4</i>
	<i>Section 4-2-2 - Vacancies; Quorum</i>	<i>4-4</i>
	<i>Section 4-2-3 - Oath; Bond; Removal</i>	<i>4-4</i>
	<i>Section 4-2-4 - Appointments</i>	<i>4-4</i>
	<i>Section 4-2-5 - Annual Reports</i>	<i>4-4</i>
	<i>Section 4-2-6 - Adoption</i>	<i>4-5</i>
<i>III</i>	<i>POLICE PENSION FUND</i>	
	<i>Section 4-3-1 - Board Established</i>	<i>4-6</i>
	<i>Section 4-3-2 - Definitions</i>	<i>4-6</i>
	<i>Section 4-3-3 - Board Membership</i>	<i>4-6</i>
	<i>Section 4-3-4 - Term</i>	<i>4-6</i>
	<i>Section 4-3-5 - Election of Board Members</i>	<i>4-6</i>
	<i>Section 4-3-6 - Vacancy</i>	<i>4-6</i>
	<i>Section 4-3-7 - Meetings</i>	<i>4-6</i>
	<i>Section 4-3-8 - Powers and Duties of Board</i>	<i>4-6</i>
	<i>Section 4-3-9 - Annual Report by Treasurer</i>	<i>4-8</i>
	<i>Section 4-3-10 - Payment of Benefits – Funds Insufficient</i>	<i>4-8</i>
	<i>Section 4-3-11 - Report by Board</i>	<i>4-8</i>
	<i>Section 4-3-12 - Deductions</i>	<i>4-8</i>
	<i>Section 4-3-13 - Financing</i>	<i>4-8</i>
<i>IV</i>	<i>FOREIGN FIRE INSURANCE BOARD</i>	
	<i>Section 4-4-1 - Establishment</i>	<i>4-10</i>
	<i>Section 4-4-2 - Membership</i>	<i>4-10</i>
	<i>Section 4-4-3 - Election of Officers</i>	<i>4-10</i>
	<i>Section 4-4-4 - Rules and Regulations</i>	<i>4-10</i>
	<i>Section 4-4-5 - Funds</i>	<i>4-10</i>

CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I – PLANNING COMMISSION

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

4-1-2 **MEMBERSHIP.** The Planning Commission shall consist of **six (6) members**, the members to be residents of the Village, appointed by the Mayor on the basis of their particular fitness for their duty on the Planning Commission and subject to the approval of the Village Board.

The following shall be ex-officio members of the Planning Commission and shall be appointed for terms, coterminous with the terms of their elected or appointed office. These ex-officio members shall not enjoy voting privileges; the namely:

- (A) Mayor
- (B) Planning Director
- (C) Village Engineer
- (D) Village Building Inspector
- (E) Village Fire Chief
- (F) Village Chief of Police

(Ord. No. 2018-06; 04-04-18)

4-1-3 **TERM OF OFFICE.** The members shall serve for a period of **three (3) years**. Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the Board deems it advisable, they may receive such compensation as provided by the appropriation ordinance. **(65 ILCS 5/11-12-6)**

4-1-4 **PROCEDURE.** The Planning Commission shall elect such officers as it may deem necessary and adopt rules and regulations or 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. **(65 ILCS 5/11-02-07)**

4-1-5 **POWERS AND DUTIES.** The Planning 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 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 Municipal Clerk shall be complied with as provided 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 resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the

location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

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

(C) To recommend to the Village Board of this Village, 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 of the official comprehensive plan.

(E) To give aid to the officials of the Village 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 planning commissions and other agencies or groups to further the local planning 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 Village Board.

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 map may consist of the whole area included within the official comprehensive plan or **one (1)** or more separate geographical or functional parts and may include all or any parts of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Municipal 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.

4-1-7 IMPROVEMENTS. The Village Clerk shall furnish the Planning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Planning 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 any street, traffic-way, drive, parkway, or storm or floodwater run-off 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 therefor.

(This Article Ord. No. 459A; 06-04-68)

ARTICLE II

BOARD OF POLICE COMMISSIONERS

4-2-1 **APPOINTMENT AND TERM OF OFFICE.** The Board of Police Commissioners is hereby recognized as established in accordance with the Statutes of the State of Illinois. This Board shall consist of **three (3) members** whose terms of office shall be **three (3) years** and until their respective successors are appointed and have qualified; and **one (1) member** shall be appointed each year by the Mayor with the advice and consent of the Village Board, provided that no such appointments shall be made by any Mayor within **thirty (30) days** before the expiration of his term of office. **(65 ILCS 5/10-2.1-1)**

4-2-2 **VACANCIES; QUORUM.** Vacancies on the Board of Police Commissioners shall be filled in the same manner as the original appointment. Each year the Board shall elect a Chairman at the annual meeting. A majority of the Board shall constitute a quorum for the conduct of business. **(65 ILCS 5/10-2.1-2)**

4-2-3 **OATH; BOND; REMOVAL.** The members of the Board shall be considered officers of the Municipality, and shall file an oath and a fidelity bond in the amount of **One Thousand Dollars (\$1,000.00)**, the premium of which shall be paid by the Village. No person holding a lucrative office under the United States, this State, or any municipality shall be a member of the Board or the Secretary thereof. The acceptance of any such office by a member of the Board shall be treated as a resignation of his office as a member of the Board or the Secretary thereof. No person shall be appointed a member of the Board of Police Commissioners who is related, either by blood or marriage up to the degree of first cousin, to any elected official of such Municipality. No more than **two (2) members** of the Board shall belong to the same political party existing in such Municipality at the time of such appointments and as defined in **Section 10-2** of the Election Code. If only **one (1)** or no political party exists in such Municipality at the time of such appointments, then state or national political party affiliations shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed as a member of the Board.

Members shall not be subject to removal, except for cause, upon written charges, and after an opportunity to be heard within **thirty (30) days** in his or her own defense, before a regular meeting of the Village Board. A majority vote of the elected members of such governing body shall be required to remove any such member from office. **(65 ILCS 5/10-2.1-3)**

4-2-4 **APPOINTMENTS.** The Board shall make rules for the appointment, promotion, and removal of all full-time police officers on the basis of merit alone. The Village hereby expressly reserves the power as provided by the laws of the State of Illinois to approve any and all rules adopted by the Board of Police Commissioners and no rules shall be effective unless first approved by the Village Board. The Board shall investigate all charges of improper conduct, hold hearings on the same, and act in accordance with their findings and rules.

The Board of Police Commissioners shall have charge of all appointments to the Police Department excluding the Chief of Police, and shall conduct and hold all entrances and promotional examinations in the manner required by **65 ILCS 5/10-2.1**.

4-2-5 **ANNUAL REPORTS.** The Board shall submit to the Board an annual report of its activities and of the rules in force and the practical effect thereof. In this report, the Board may make suggestions which the Board believes would result in greater efficiency in the Police Department. The report shall be prepared and presented to the Village Board not later than **thirty (30) days** after the

expiration of the fiscal year of the Village. The Board shall also submit an annual budget request to the Village Board prior to **April 30th** of each year. The Mayor shall transmit the report to the Village Board for review. **(Ord. No. 687; 05-16-77) (65 ILCS 5/10-2.1-19)**

4-2-6 **ADOPTION.** The Village does hereby adopt by reference the provisions contained in **Chapter 65 Sec. 5/10-2.1** entitled Board of Police Commissioners of the **Illinois Compiled Statutes** as passed, approved, and amended to be controlling within the Village unless otherwise provided for in this Article. **(Also 50 ILCS 705/1 et seq. and 740/1 et seq.)**

(Ord. No. 715; 04-18-90)

ARTICLE III - POLICE PENSION FUND

4-3-1 **BOARD ESTABLISHED.** In accordance with the provisions of the **Illinois Compiled Statutes** the Village does hereby establish a Police Pension Fund. **(40 ILCS 5/3-101.)**

4-3-2 **DEFINITIONS.** The terms used in this Article shall have the meanings ascribed to them in **Sections 5/3-103 through 5/3-108.1 in Chapter 40 of the Illinois Compiled Statutes**, except when the context otherwise requires.

4-3-3 **BOARD MEMBERSHIP.** A Board of **five (5) members** shall constitute the Chester Board of Trustees of the Police Pension Fund to administer the pension fund and to designate the beneficiaries thereof. **Two (2) members** of the Board shall be appointed by the Mayor. The **third (3rd)** and **fourth (4th) members** of the Board shall be elected from the active participants of the pension fund by such active participants. The **fifth (5th) member** shall be elected by and from the beneficiaries.

4-3-4 **TERM.** The members of the Pension Board shall serve for **two (2) years** or until their successors are appointed and have qualified. The term shall begin on the **second (2nd) Tuesday** of the **first (1st) May** after the election. **(40 ILCS 5/3-128)**

4-3-5 **ELECTION OF BOARD MEMBERS.** The election provided for in this Article for elected Board members shall be held biennially on the **third (3rd) Monday** in April at such place as shall be prescribed by the appointed members of the Board and shall be under the Australian Ballot system.

The active pension fund participants shall be entitled to vote only for the active participant members of the Board. All beneficiaries of legal age may vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than **one (1) ballot** at such election.

Members of the Board shall neither receive nor have any right to receive any salary from the pension fund for services performed as trustees in that office. **(40 ILCS 5/3-128)**

4-3-6 **VACANCY.** Upon the death, resignation or inability to act of any elected board member, a successor shall be elected for the unexpired term at a special election to be called by the Board and conducted in the same manner as the regular biennial election. **(40 ILCS 5/3-128)**

4-3-7 **MEETINGS.** The Pension Board shall meet in regular quarterly meetings on the **second (2nd) Tuesday of July, October, January, and April**, annually, and special meetings may be called by the President. The regular July meeting shall be an organizational meeting, at which the Board shall select from its members a President, Vice-President, Secretary and Assistant Secretary, to serve for the period of **one (1) year. (#637; 07-06-71) (40 ILCS 5/3-130)**

4-3-8 **POWERS AND DUTIES OF BOARD.** The Board shall, in addition to the other powers and duties in this article, have the authority to:

(A) **Control and Manage the Pension Fund.** To control and manage, exclusively, the pension fund, and all money donated, paid or assessed for the pensioning of disabled and retired police officers, their surviving spouses, minor children and dependent parents. All such moneys shall be placed by the Treasurer of the Municipality to the credit of the fund, subject to the order of the Board.

(B) **Order Payments and Issue Certificates.** To order the payment of pensions and other benefits and to issue certificates signed by its President and Secretary to the beneficiaries stating the amount and purpose of the payment.

(C) **Submit Annual List of Fund Payments.** To submit annually to the City Council or Board of Trustees at the close of the Municipality's fiscal year, a list of persons entitled to payments from the fund, stating the amount of payments, and their purpose, as ordered by the Board. It shall also include items of income accrued to the fund during the fiscal year. The list shall be signed by the Secretary and President of the Board, and attested under oath. A resolution or order for the payment of money shall not be valid unless approved by a majority of the Board members, and signed by the President and Secretary of the Board.

(D) **Draw and Invest Funds.** To draw pension funds from the Treasurer, and invest any part thereof in the name of the Board in:

- (1) interest bearing bonds or tax anticipation warrants of the United States, of the State of Illinois, or of any county, township or municipal corporation of the State of Illinois;
- (2) insured withdrawable capital accounts of State chartered savings and loan associations;
- (3) insured withdrawable capital accounts of federal chartered federal savings and loan associations if the withdrawable capital accounts are insured by the Federal Savings and Loan Insurance Corporation;
- (4) insured investments in credit unions if the investments are insured by the National Credit Union Administration;
- (5) savings accounts or certificates of deposit of a national or State bank;
- (6) securities described in **Item 5.1 of Section 5/1-113 of Chapter 40 of the Illinois Compiled Statutes**, but only subject to the conditions therein set forth;
- (7) contracts and agreements supplemental thereto providing for investments in the general account of a life insurance company authorized to do business in Illinois;
- (8) separate accounts of a life insurance company authorized to do business in Illinois, comprised of common or preferred stocks, bonds, or money market instruments; and
- (9) separate accounts managed by a life insurance company authorized to do business in Illinois, comprised of real estate or loans upon real estate secured by first or second mortgages.

The total investment in such separate accounts shall not exceed **ten percent (10%)** of the aggregate book value of all investments owned by the fund. All securities shall be deposited with the Treasurer of the Village, and be subject to the order of the Board. Interest on the investments shall be credited to the pension fund.

No bank or savings and loan association shall receive investment funds as permitted by this Section, unless it has complied with the requirements established pursuant to **Section 235/6 of Chapter 30 of the Illinois Compiled Statutes**, shall be applicable only at the time of investment and shall not require the liquidation of any investment at any time.

(E) **Subpoena Witnesses.** To compel witnesses to attend and testify before it upon all matters connected with the administration of this Article, in the manner provided by law for the taking of testimony in the circuit courts of this State. The President or any Board member, may administer oaths to witnesses.

(F) **Appoint Clerk.** To appoint a Clerk and define his duties. No person drawing a pension under this Article shall be employed by the Board.

(G) **Pay Expenses.** To provide for the payment from the fund of all necessary expenses, including clerk hire, printing and witness fees.

(H) **Keep Records.** To keep a public record of all its proceedings

(I) **Make Rules.** To make necessary rules and regulations in conformity with the provisions of this Article, and to publish and transmit copies from time to time to all pensioners and contributors.

(J) **Accept Donations.** To accept by gift, grant, transfer, or bequest, any money, real estate, or personal property. Such money and the proceeds from the sale of or the income from such real estate or personal property shall be paid into the pension fund. **(40 ILCS 5/3-130 through 5/3-140.1)**

4-3-9 ANNUAL REPORT BY TREASURER. On the **second (2nd) Tuesday in May** annually, the Village Treasurer and all other officials of the Municipality who had the custody of any pension funds herein provided, shall make a sworn statement to the Pension Board, and to the Mayor and Board, of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the Treasurer shall be paid to the Treasurer of the Village. Upon demand of the Pension Board, any official shall furnish a statement relative to the official method of collection or handling of the pension funds. All books and records of that official shall be produced at any time by him for examination and inspection by the Board. **(40 ILCS 5/3-141)**

4-3-10 PAYMENT OF BENEFITS - FUNDS INSUFFICIENT. Any police officer and any eligible surviving spouse, child or children, or dependent parent of the officer to whom the Board has ordered benefits to be paid, shall receive a yearly benefit payable in **twelve (12)** equal monthly installments, which shall be the aggregate amount to which they are entitled. If at any time there is not sufficient money in the fund to pay the benefits under this Article the City Council or Board of Trustees of the Municipality shall make every legal effort to replenish the fund so that all beneficiaries may receive the amounts to which they are entitled. If, thereafter, there still remain insufficient funds, the beneficiaries shall be paid pro rata from the available funds, but no allowance or order of the Board shall be held to create any liability against the Municipality, but only against the pension fund. **(40 ILCS 5/3-142)**

4-3-11 REPORT BY BOARD. The Board shall report to the Village Board on the condition of the pension fund. Prior to the Board meeting held for the levying of taxes for the year for which the report is made. The Board shall certify:

- (A) The assets in its custody at such time;
- (B) The estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from all other sources; and
- (C) The estimated amount required during the calendar year to (1) pay all pensions and other obligations provided in this Article, and (2) to meet the annual requirements of the fund as provided in **Chapter 40; Sec. 5/3-125.** **(40 ILCS 5/3-143)**

4-3-12 DEDUCTIONS. There shall hereafter be deducted from the salaries of regular police officers of the Village, the sum as may be required by law in the Police Pension Fund, and there shall also be placed in the fund such amount as shall annually be levied from general taxes to provide the reserves required by law. **(40 ILCS 5/3-125.1)**

4-3-13 FINANCING. The Village Board shall annually levy a tax upon all the taxable property of the Municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to (1) the normal cost of the pension fund for the

year involved, plus (2) the amount necessary to amortize the fund's unfunded accrued liabilities as provided in **Chapter 40; Sec. 5/3-127 of the Illinois Compiled Statutes**. The tax shall be levied and collected in the same manner as the general taxes of the Municipality, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the Municipality, and shall be in addition to the amount authorized to be levied for general purposes as provided by **Chapter 65; Sec. 5/8-3-1 of the Illinois Compiled Statutes**.

The police pension fund shall consist of the following moneys which shall be set apart by the Treasurer of the Municipality:

- (A) All moneys derived from the taxes levied hereunder;
- (B) Contributions by police officers under **Section 4-3-12** of this Article;
- (C) All moneys accumulated by the Municipality under any previous legislation establishing a fund for the benefit of disabled or retired police officers;
- (D) Donations, gifts or other transfers authorized by this Article. **(40 ILCS 5/3-125)**

(Ord. No. 576; 05-01-79 in part)

(40 ILCS 5/3-101 through 5/3-152)

ARTICLE IV - FOREIGN FIRE INSURANCE BOARD

4-4-1 **ESTABLISHMENT.** Pursuant to **65 ILCS 5/11-10-2**, a foreign fire insurance board for the Village is hereby established, which shall hereafter be referred to as Board.

4-4-2 **MEMBERSHIP.** The Board shall be composed of **three (3) members**. Only members of the Fire Department are eligible to serve on the Board.

4-4-3 **ELECTION OF OFFICERS.** Upon creation of the Board, and in April of each year thereafter, the members of the Fire Department shall elect a President, a Secretary and a Treasurer of the Board, who shall serve until their successors are elected or appointed. In the event of a vacancy of any such office, the other remaining members of the Board shall appoint a replacement to serve out the balance of such officer's term.

4-4-4 **RULES AND REGULATIONS.** The Board shall make all needful rules and regulations with respect to said Board and the management of the money to be appropriated to the Board. The Board shall develop and maintain a listing of those items that the Board feels are appropriate expenditures for foreign fire insurance company fees received by the fire department pursuant to **65 ILCS 5/11-10-1** and **65 ILCS 5/11-10-2**.

4-4-5 **FUNDS.** All of the money paid to the municipal treasurer as provided in **65 ILCS 5/11-10-1** shall be set apart and shall be appropriated annually by the corporate authorities to the Board. The Treasurer of the Board shall give a sufficient bond to the Village. This bond shall be approved by the Mayor conditioned upon the faithful performance by the Treasurer of his or her duties under the ordinance and the rules and regulations provided for by law. The Treasurer of the Board shall receive the appropriated money and shall pay out the money upon the order of the Board for the maintenance, use, and benefit of the department. As part of the annual municipal audit, these funds shall be audited to verify that these purchases are for the maintenance, use and benefit of the Fire Department.

BUSINESS CODE

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	GENERAL BUSINESS LICENSES	
	Section 7-1-1 - Business License Required	7-1
	Section 7-1-2 - Procedure – New Licenses	7-1
	Section 7-1-3 - Procedures - Renewals	7-2
	Section 7-1-4 - Procedures - Revocations	7-2
	Section 7-1-5 - General Provisions	7-3
	Section 7-1-6 - License Fees	7-4
	Section 7-1-7 - Inspections	7-4
	Section 7-1-8 - Enforcement and Penalties	7-5
II	PEDDLERS, HAWKERS, ITINERANT MERCHANTS	
	Section 7-2-1 - License Required	7-6
	Section 7-2-2 - Definitions	7-6
	Section 7-2-3 - Application	7-6
	Section 7-2-4 - Investigation	7-7
	Section 7-2-5 - Bond	7-7
	Section 7-2-6 - Credentials	7-7
	Section 7-2-7 - Hours	7-7
	Section 7-2-8 - Unwanted Peddling and Soliciting	7-7
	Section 7-2-9 - Cost of Processing Application	7-7
	Section 7-2-10 - Exceptions	7-7
	Section 7-2-11 - Violation	7-7
III	SOLICITORS	
	Division I – General Regulations	
	Section 7-3-1 - Definitions	7-8
	Section 7-3-2 - License Required	7-8
	Section 7-3-3 - General Provisions	7-8
	Section 7-3-4 - Application	7-8
	Section 7-3-5 - License Fee	7-9
	Section 7-3-6 - Investigation	7-9
	Section 7-3-7 - Juvenile Solicitors	7-9
	Section 7-3-8 - Regulations	7-9
	Section 7-3-9 - Unwanted Soliciting	7-10
	Section 7-3-10 - Exceptions	7-10
	Section 7-3-11 - Penalties	7-10
	Section 7-3-12 - 7-3-15 Reserved	
	Division II – Highway Solicitations	
	Section 7-3-16 - Solicitation	7-12

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IV	COIN-OPERATED MACHINES	
	Section 7-4-1 - Definitions	7-13
	Section 7-4-2 - License Required	7-13
	Section 7-4-3 - Application	7-13
	Section 7-4-4 - Prohibited Licensees	7-13
	Section 7-4-5 - Fees	7-14
	Section 7-4-6 - Non-Assignability of License	7-14
	Section 7-4-7 - Gambling Regulations	7-14
	Section 7-4-8 - Display of License	7-14
	Section 7-4-9 - Right of Entry	7-14
V	TATTOO AND BODY PIERCING ESTABLISHMENTS	
	Section 7-5-1 - Adoption by Reference	7-15
	Section 7-5-2 - Criminal Code	7-15
	Section 7-5-3 - Tattooing Prohibited	7-15
	Section 7-5-4 - Body Piercing Prohibited	7-15
	Section 7-5-5 - Locations Prohibited	7-15
	Section 7-5-6 - Compliance With All Laws	7-15
	Section 7-5-7 - Ear Piercing Excluded	7-15
	Section 7-5-8 - Enforcement and Penalties	7-15
VI	HOTEL AND MOTEL REGULATIONS	
	Section 7-6-1 - Guest Registry Required	7-17
	Section 7-6-2 - Registry Requirements	7-17
	Section 7-6-3 - Identification of Guests	7-17
	Section 7-6-4 - Vehicle Information	7-17
	Section 7-6-5 - Under Twenty-One (21) Restriction	7-17
	Section 7-6-6 - Registering Under False Name	7-17
	Section 7-6-7 - False Identification Unlawful	7-17
	Section 7-6-8 - Deception by Employees	7-17
	Section 7-6-9 - Guest Register Available	7-17
	Section 7-6-10 - Delivery of Articles	7-18
	Section 7-6-11 - Penalties	7-18
VII	RAFFLES AND POKER RUNS	
	Section 7-7-1 - Definitions	7-19
	Section 7-7-2 - Licenses, Applications; Issuance	7-19
	Section 7-7-3 - Limitations	7-20
	Section 7-7-4 - Conduct of Raffles and Poker Runs	7-20
	Section 7-7-5 - Raffle Manager	7-20
	Section 7-7-6 - Records	7-20
	Section 7-7-7 - Ineligibility	7-20
	Section 7-7-8 - Filing Fee	7-21
	Section 7-7-9 - Violation	7-21
	Section 7-7-10 - No Limit	7-21

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
VIII	ADULT USE LICENSING AND REGULATION	
	Section 7-8-1 - Purpose	7-22
	Section 7-8-2 - Definitions	7-22
	Section 7-8-3 - License Required	7-24
	Section 7-8-4 - Issuance of License	7-25
	Section 7-8-5 - Liquor	7-25
	Section 7-8-6 - Fees	7-25
	Section 7-8-7 - Inspection	7-25
	Section 7-8-8 - Expiration of License	7-26
	Section 7-8-9 - Suspension	7-26
	Section 7-8-10 - Revocation	7-26
	Section 7-8-11 - Transfer of License	7-27
	Section 7-8-12 - Business Records	7-27
	Section 7-8-13 - Liquor License	7-27
	Section 7-8-14 - Adult Entertainment Cabarets--Restrictions	7-27
	Section 7-8-15 - Video Viewing Booths--Restrictions	7-27
	Section 7-8-16 - Hours of Operation	7-27
	Section 7-8-17 - Investigation	7-27
IX	FIREWORKS CODE	
	Section 7-9-1 - Definitions	7-28
	Section 7-9-2 - Sale of Fireworks Unlawful	7-28
	Section 7-9-3 - Possession, Use and Discharge of Dangerous Fireworks Unlawful	7-28
	Section 7-9-4 - Permit Required to Sell or Display Fireworks	7-28
	Section 7-9-5 - Time Limit Set on Sale and Use	7-28
	Section 7-9-6 - Permit Fees	7-29
	Section 7-9-7 - Issuance – Nontransferable Voiding	7-29
	Section 7-9-8 - Application for Public Display Permit	7-29
	Section 7-9-9 - Application for Seller’s Permit – Conditions for Issuance	7-29
	Section 7-9-10 - Sale From Stands – Exceptions	7-30
	Section 7-9-11 - Standards for Temporary Stands	7-30
	Section 7-9-12 - Standards for Public Fireworks Displays	7-31
	Section 7-9-13 - Use of Fireworks in Public Parks	7-31
	Section 7-9-14 - Special Effects for Entertainment Media	7-32
	Section 7-9-15 - Nonprohibited Acts	7-32
	Section 7-9-16 - Applicability	7-32
	Section 7-9-17 - Status of State Law	7-32
	Section 7-9-18 - Enforcement	7-32
	Section 7-9-19 - Reckless Discharge or Use Prohibited	7-32
X	FOOD TRUCK REGULATIONS	
	Section 7-10-1 - Definitions	7-33
	Section 7-10-2 - Annual License Required	7-33
	Section 7-10-3 - Vehicle Appearance and Maintenance	7-33
	Section 7-10-4 - Licensing Requirements	7-33
	Section 7-10-5 - Regulation	7-34
	Section 7-10-6 - Health and Safety Standards	7-34

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
<i>X</i>	FOOD TRUCK REGULATIONS (CONTINUED)	
	<i>Section 7-10-7 - Denial of License</i>	<i>7-35</i>
	<i>Section 7-10-8 - Suspension of License</i>	<i>7-35</i>
	<i>Section 7-10-9 - Revocation and Violations of Vendor's License</i>	<i>7-35</i>
	<i>Section 7-10-10 - License Nontransferable</i>	<i>7-36</i>
	<i>Section 7-10-11 - Penalties</i>	<i>7-36</i>
 <i>XI</i>	 MASSAGE ESTABLISHMENTS AND SERVICES	
	<i>Section 7-11-1 - Definitions</i>	<i>7-37</i>
	<i>Section 7-11-2 - Application</i>	<i>7-37</i>
	<i>Section 7-11-3 - Licenses</i>	<i>7-38</i>
	<i>Section 7-11-4 - Facilities</i>	<i>7-38</i>
	<i>Section 7-11-5 - Operating Requirements</i>	<i>7-38</i>
	<i>Section 7-11-6 - Inspections</i>	<i>7-39</i>
	<i>Appendix "A" - License Fees</i>	
	<i>Exhibit "A" - Fireworks Display Application</i>	<i>Ex-1</i>

CHAPTER 7

BUSINESS CODE

ARTICLE I – GENERAL BUSINESS LICENSES

7-1-1 BUSINESS LICENSE REQUIRED. All persons, entities or corporations engaged in any occupation or commercial operation within the boundaries of the Village shall obtain, or renew, a business license from the Village, for so long as such person or entity or corporation is engaged in the occupation or commercial operation within the boundaries of the Village.

7-1-2 PROCEDURE – NEW LICENSES. In all cases in which a person, entity or corporation has not obtained a business license from the Village, or has an expired business license from the Village, the following procedures shall apply:

(A) A written application for a license shall be made to the Village Clerk on the Business License Application form attached hereto and incorporated herein. The Clerk will provide the applicant with written notice of other Village requirements, including but not limited to items such as building permits, zoning variances, special use permits or temporary use permits, which may be necessary before the person, entity or corporation may conduct an occupation or commercial operation within the Village.

(B) The Zoning Administrator, Fire Chief and Police Chief will process the application and advise if the proposed business is in compliance with all Village ordinances including but not limited to: general safety; health and welfare; occupancy; and the Development Code.

(C) Upon being notified that the application is placed on the agenda for consideration, the Clerk will notify the applicant by certified mail or registered mail of the date, time and place the application will be on the Village Board agenda for discussion, consideration, approval, modification, and/or denial. The Clerk will notify the appropriate personnel to place the application on the agenda.

(D) The Village Board, at the date, time and place of the Clerk's notification, will allow the applicant the opportunity to speak on behalf of the application and will further allow any other interested parties a reasonable amount of time to also speak either on behalf or against the application.

(E) After hearing any discussions on the application, the Village Board at that time, or at a later time so designated by the Village Board, will vote on the approval, modification, or denial of the license. A majority vote of those Village Board members present at the meeting is necessary to so approve, modify, or deny the license.

(F) The Village Board in approving, modifying, or denying the application shall consider the following:

- (1) Whether the approval, modification, or denial of the application is based upon the public safety, health, welfare and morals of the Village and its residents.
- (2) Whether the premises or building in or on which the occupation or commercial operation is to be conducted does or does not comply with the provisions of the Development Code as well as with any other laws, ordinances, resolutions or regulations of the Village.

(G) The action by the Village Board in regard to the application shall be considered final and can be appealed to the St. Clair County Circuit Court on an arbitrary and capricious review standard, or any other standard which may be so imposed by Illinois law.

(H) If the application is approved, the Clerk shall notify the applicant and upon payment of the license fee and the filing of any bond required in accordance with the provisions of this Article, the Clerk shall issue to the applicant their business license bearing the seal of the Village for the period of time for which the payment is made during that renewal or application period.

7-1-3 PROCEDURES - RENEWALS.

(A) On an annual basis, business licenses will be renewed only if the Village Clerk issues a renewal which contains an approval that the Zoning Administrator, Fire Chief and Police Chief have found the business is in compliance with all Village ordinances including but not limited to: general safety; health and welfare; occupancy; and the Development Code. The renewal of business licenses authorizing games of chance shall be subject to an additional requirement that these licenses are to be renewed only upon majority approval of the Village Board.

(B) If the Zoning Administrator, Fire Chief and/or Police Chief find that the business is not in compliance with all Village ordinances, then the Village Clerk shall notify the business by certified or registered mail of the alleged violation(s) and that the business license will not be renewed unless the violation(s) are corrected to the satisfaction of the Zoning Administrator, Fire Chief and/or Police Chief within **thirty (30) days** of the date of the letter.

- (1) Subsequent to passage of the **thirty (30) days** mentioned in **Section 7-1-3(B)** of this Article, whenever the Zoning Administrator, Fire Chief and/or Police Chief still are of the opinion that the business is allegedly in violation of any Village ordinance(s), the Village Clerk will then so notify the business that the business will not be renewed and also of the date, time and place of a Village Board meeting where the business may appeal this decision to the Village Board.
- (2) At this Village Board meeting, or at such later date and time as the Village Board may so designate, the Village Board will allow the business the opportunity to speak on behalf of its position, and will further allow any other interested persons a reasonable amount of time to also speak either on behalf or against the non-renewal of the business license.
- (3) If the business exercises its opportunity to speak to the Village Board of Trustees, and after hearing any discussions on the non-renewal, the Village Board will vote on whether to uphold the decision to not renew the business license of the business so affected. A majority vote of those Village Board members present at the meeting is necessary to act on the non-renewal of the business license.
- (4) The action by the Village Board in regards to the non-renewal shall be considered final and can be appealed to the St. Clair County Circuit Court upon an arbitrary and capricious review standard or any other standard which may be so imposed by Illinois law.

7-1-4 PROCEDURES - REVOCATIONS.

(A) Whenever a majority of the Village Board present are of the opinion that a business:

- (1) has violated the public safety, health, welfare, and morals of the Village and its residents; or,
- (2) has conducted a business activity in such a manner as to constitute a breach of the peace or created a nuisance within the Village; or,
- (3) has violated a provision of the Development Code or any other Village ordinance, resolution, law or regulation; or,
- (4) has committed fraud, misrepresentation, deception or has an incorrect statement contained in the business license application; or,
- (5) has allowed the expiration or cancellation of any required bond; or,
- (6) has conducted a business activity which is unauthorized or beyond the scope of the business license granted by the Village; or,
- (7) has an owner or license holder who has been convicted of a felony or a misdemeanor wherein such conviction indicates the owner or license holder is unable to operate a safe, honest and legitimate business; or,

(8) has refused to allow an inspection of the business premises or has in any way interfered with an inspection that is required by any ordinance or law of the Village; or,

(9) has violated the restrictions or a contingency of its own business license;

then the Village Clerk will so notify the business by personal service, certified mail or registered mail of the alleged violation, and invite a response from the business along with a request that any necessary remedial action be taken by the business within **thirty (30) days**.

(B) Subsequent to passage of the **thirty (30) days** duration mentioned in **Section 7-1-4(A)**, whenever the majority of the Village Board present still are of the opinion that the business is in violation of the standards annunciated herein, the Clerk will then so notify the business by personal service, certified mail or registered mail of the alleged violation and will also so notify the business that the Village Board shall discuss, consider and vote on the revocation of the business license of the business at a Village Board meeting, and will also so notify the business of the date, time and place of that Village Board meeting.

(C) At the Village Board meeting, or at such later date and time as the Village Board may so designate, the Village Board will allow the business the opportunity to speak on behalf of its position, and will further allow any other interested persons a reasonable amount of time to also speak either on behalf or against the revocation of the business license.

(D) After hearing any discussions on the revocation, the Village Board will vote on whether to revoke the business license of the business so affected. A majority vote of those Village Board members present at the meeting is necessary to so revoke the business license.

(E) The Village Board in revoking the business license shall consider the standards annunciated in this Section. The action by the Village Board in regard to the revocation shall be considered final and can be appealed to the St. Clair County Circuit Court upon an arbitrary and capricious review standard or any other standard which may be so imposed by Illinois law.

7-1-5 GENERAL PROVISIONS.

(A) **Waiver.** The Village reserves the right to waiver fees for any businesses considered to be of charitable nature and to youths operating small businesses.

(B) **Term of License.** All licenses granted upon the terms and conditions of this Article shall expire on **July 15th** following the date of issue, except for licenses issued for a day or a month, and the fee for same paid at the rate herein provided. No license shall be issued for a period greater than the unexpired term of the current business license year, and if a license is issued after the **first (1st) day of August**, the fee shall be prorated for the unexpired term of the year at the rate herein provided for the full year. All fees for any license issued shall be collected in full at the time of the issuance and delivery thereof.

(C) **No Rebate.** In no event shall any rebate or refund be made of any license fee or part thereof, by reason of the death of the licensee, or by reason of nonuse of the license, or by reason of change of location or occupation of the licensee.

(D) **Record of Clerk.** The Clerk shall procure and keep a book to be called the business license register of the Village, in which book the Clerk shall enter the name and location of each licensee, the nature of the license granted, the date of issuance of the license, and the date of expiration thereof, together with the amount of license fee collected, and the Clerk shall prepare and transmit to the Village Board monthly, a report containing said information.

(E) **Transfer of License.** No license granted under this Article shall be assigned or transferred, except as hereinafter provided, nor shall any such license authorize any persons to do business or act other than the person named therein. Any person to whom any business license shall have been issued, may with the permission of the Mayor, assign or transfer same to any other person, and the person to whom such license is transferred may, for the unexpired term of the license, carry on the same business or occupation at such place as was named in the business license; provided further that nothing herein contained shall be held to authorize the assignment or transfer of auctioneers or (runners) licenses; such licenses shall be nonassignable and nontransferable.

(F) **License, Bond, Approval Of.** Any bond given by any person to the Village where the license bond is required under this Article shall, before a license is granted, be approved by the Village Clerk except where otherwise provided, and the Village Clerk shall thoroughly investigate the sureties on any license bond, and, if satisfied that the same are good, the Village Clerk shall approve the bond.

(G) **Change of Location, Notice to Village Clerk.** If any person licensed by the Village to carry on, engage in, or conduct any business or occupation required to be licensed by this Article, and having designated in his license a particular place in which business so licensed is to be carried on, engaged in, or conducted, shall, before expiration of the license, change the location of the place of business, he shall notify the Village Clerk of the fact at least **ten (10) days** prior to the location change, and no business shall be carried on, engaged in, or conducted, under the authority of the license at the new location until notice of such change has been given as herein provided.

(H) **License to be Posted.** Every license granted for the purpose of conducting any business or occupation required by law or this Article to be licensed, and having designated therein the particular room, store, office, or place in which the business so licensed is to be conducted, shall be posted at all times in a conspicuous place so that the same may be easily seen, upon the wall of the principal room or office of the store or place in which the licensed business or occupation is carried on; and when such license shall have been expired, it shall be removed from the place in which it has been posted upon the wall or upon any part of any room, store, office, or place of business, after the period of the license has been expired.

(I) **License for Persons Indebted to Village Prohibited.** No license or permit shall be issued to any person unless the person discharges and pays to the Village all indebtedness then due from the person.

(J) **Persons Conducting More Than One Occupation.** In the event any person is engaged in multiple activities under this Article in the same location, said person shall pay a license fee on the main activity conducted at the location, and in lieu of an additional license fee, shall pay the sum of **Fifty Dollars (\$50.00)** for each additional licensed activity; provided, however, that this shall not apply to license fees for vending machines or electronic games of chance and a full license fee shall be paid on those licenses.

(K) **Limitation on Electronic Video Games of Chance.** Only holders of Class A or Class B liquor licenses shall be permitted to have electronic video games of chance. Electronic video games of chance shall not be the primary source of income of any premises authorized by business license to have electronic video games of chance. Any business license regulating electronic video games of chance shall permit a total number of electronic video games of chance to not exceed **six (6) machines** per premises authorized by said business license.

7-1-6 **LICENSE FEES.** No person shall engage in any occupation or commercial operation within the boundaries of the Village without having first paid the license fee as governed and controlled by the Village Fee Ordinance. The license fee shall be due and payable by **July 15th** of each year and, except as otherwise provided, shall be paid for a full year, or any fraction thereof remaining in the current business license year. (See **Appendix "A"** for the various fees.)

7-1-7 **INSPECTIONS.** Prior to the issuance of a new business license, the renewal of a business license, the changing of a business owner or the changing of the location of a business, the Village shall conduct, or have conducted, inspections of the business premises. The inspections will determine if the business premises complies with the provisions of all applicable Building Codes, the Development Code and all other Village Ordinances, Resolutions and regulations. Following the inspections, the Village shall provide the applicant with a written report listing any violations and establishing a timetable for compliance and correction of each violation. No business license shall issue until the business is in full compliance with all Codes, Ordinances, Resolutions and regulations of the Village. Thus, no business can be conducted on the premises until said business is in full compliance with all Codes, Ordinances, Resolutions and regulations of the Village and a business license issued following such compliance.

Within **six (6) months** of the application for, or renewal of, a business license for a hotel or motel, the Village will inspect the hotel or motel including, but not limited to, **one-half (1/2)** of the rooms offering sleeping accommodations to an individual for any length of stay. Between **six (6) months** and **one (1) year** from the application for, or renewal of, a business license for a hotel or motel, the Village will inspect **one-half (1/2)** of the rooms offering sleeping accommodations to an individual for any length of stay. A room that exhibits a deficiency of any kind shall be subject to re-inspection after notice of the deficiency and a reasonable opportunity to cure the deficiency which shall not exceed **sixty (60) days** but for extraordinary circumstances. Any appeal of the inspector's findings shall be processed through the Zoning Board of Appeals as set out in the Development Code and applicable Illinois law. Nothing contained herein shall prevent or restrict the authority of the Village to inspect any room of, or the premises thereof, in response to a citizen complaint alleging code violations or other violations of law at such hotel or motel, and to pursue all code enforcement remedies permissible by law. **(Ord. No. 1101; 03-17-10)**

7-1-8 ENFORCEMENT AND PENALTIES.

(A) Any person, entity or corporation violating any provision of this Article shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(B) Any person, entity or corporation aiding in or abetting the violation of any provision of this Article, or counterfeiting or forging any license or permit, or making any misrepresentation in regard to any matter prescribed by this Article, or resisting, obstructing, or impeding the Village in enforcing this Article, shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(C) A separate offense shall be deemed committed on each day during or on which any violation occurs or continues.

(D) The Village may commence any appropriate action at law or in equity to enforce the provisions of this Article and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. Any equitable remedies shall be in addition to the penalties set forth elsewhere in this Section.

(Unless Otherwise Noted, Ord. No. 1042; 12-19-07)

ARTICLE II – PEDDLERS, HAWKERS, ITINERANT MERCHANTS

7-2-1 **LICENSE REQUIRED.** It shall be unlawful for any peddler, hawker, itinerant merchant or transit vendor, as hereinafter defined, to sell or distribute goods, wares or merchandise from place to place, from house to house or from door to door in the Village, without first obtaining a license therefor, in compliance with the provisions hereof.

7-2-2 **DEFINITIONS.**

(A) **"Itinerant Merchant"** is defined as any person, firm or corporation, including agents and employees of any firm or corporation, whether a resident of the Village, or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from door to door, taking or attempting to take orders for the sale of goods, wares or merchandise, personal property of any nature whatsoever, or any other item for future delivery, or for services to be furnished or performed in the future.

(B) **"Peddler or Hawker"** as used herein shall include any person, firm or corporation, including agents or employees, of any firm or corporation, whether a resident of the Village, or not, traveling by foot, wagon, automobile, motor truck, or any other type of conveyance from place to place, from house to house, or from door to door, carrying, conveying or transporting goods, wares, or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

(C) **"Transit Vendors of Merchandise"** as used herein shall include any person, firm, or corporation, whether as owner, agent, consignee or employee, and whether a resident of the Village, or not, who temporarily engaged in the sale of merchandise for present or future delivery, within the Village and who, in furtherance of such purpose, leases, uses or occupies any building, vehicle, trailer, tent railroad car, hotel or motel room or other place in the Village for the exhibition and sale of such goods, wares and merchandise.

7-2-3 **APPLICATION.** The applicant for a license under this Article shall file with the Village Clerk a sworn application in writing which shall give the following information:

(A) Name and physical description of applicant.

(B) Permanent home and local address of applicant, and, in case of itinerant merchants, the local address from which proposed sales will be made. A current Illinois Sales Tax Number must be submitted on each Vendor listed on the application before being processed. The fee for this license shall be **Twenty-Five Dollars (\$25.00)** per event, not to exceed **seven (7) consecutive days**. Charitable, Service, Church Organizations, Village sponsored functions and Non-Profit Hobby Clubs shall be exempt from any fees incurred as a result of this legislation upon review by the Mayor.

(C) A brief description of the nature of the business and the goods to be sold.

(D) The name and address of the employer, if any.

(E) The length of time for which the right to do business is desired.

(F) If employer is a corporation, the state of its incorporation, whether it is authorized to do business in Illinois, and evidence that the corporation has designated a resident agent in the Village upon whom legal service may be made and that the corporation will be responsible for the acts of its employees in the Village.

(G) A statement as to whether or not the applicant or any of its employees and agents have been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than a traffic violation, the nature of the offense, and the penalty imposed.

(H) The names of the last cities or villages, not exceeding **three (3)**, where applicant carried on business immediately preceding the date of application and the addresses from which such businesses were conducted in those municipalities.

7-2-4 **INVESTIGATION.** Upon receipt of each application it shall be referred by the Village Clerk to the Chief of Police, who shall immediately investigate the business and moral character of the applicant, its agents and employees, if any. The Chief of Police shall promptly return the application to the Village Clerk, listing his findings as to the business and moral character of the applicant and its agents or employees. If, upon investigation, the applicant's character, or the character of its agents and employees, if any, is found unsatisfactory, no license shall be issued.

7-2-5 **BOND.** Applicant for license shall file with the Village a surety bond in the amount of **One Thousand Dollars (\$1,000.00)**, conditioned that the applicant shall comply fully with all ordinances of the Village and Statutes of the State of Illinois regulating peddlers, hawkers, itinerant merchants and transit vendors of merchandise, and guaranteeing to the residents of this Village that all money paid to such license will be accounted for, and applied according to the representations of the license, and further guaranteeing to the residents of this Village doing business with the licensee that the property purchased will be delivered according to the representations of the licensee. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given.

7-2-6 **CREDENTIALS.** Upon approval of the application for license, as hereinbefore stated, the Village Clerk shall issue credentials to the applicant and each of his agents and employees which credentials shall be issued over the name of the Village Clerk, and to which be appended a photograph of the applicant, or its employees and agents. Such credentials must be displayed by the licensee, his agents and employees, upon request of any householder within the Village.

7-2-7 **HOURS.** It shall be unlawful for any peddler, hawker, itinerant merchant or transit vendor of merchandise to solicit business on Sundays and holidays, and the business of peddling and soliciting shall be conducted only between the hours of **9:00 A.M.** and **5:00 P.M.** on all other days, unless by appointment.

7-2-8 **UNWANTED PEDDLING AND SOLICITING.** Nothing contained in this Article, nor the issuance of any license hereunder, shall entitle the licensee to go in or upon any private residence for the purpose of peddling or soliciting, if such licensee, his agents or employees, are directed to depart from said private residence by the owner, or person in charge thereof.

7-2-9 **COST OF PROCESSING APPLICATION.** Each applicant for a license under this Article shall pay to the Village Clerk the sum of **Twenty-Five Dollars (\$25.00)** to defray the cost of processing such application. A waiting period of **twenty-four (24) hours** before license is approved is in effect.

7-2-10 **EXCEPTIONS.**
(A) This Article shall not apply to the selling of personal property at wholesale to dealers in such articles; to news to newsboys; to merchants or their employees in delivery of goods in the regular course of business; to vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes; or to farmers or truck gardeners who vend.
(B) This Article does not prohibit any sale required by statute or by order of any court, or prohibit any auction sales conducted pursuant to law.
(C) Nothing contained in this Article prohibits the solicitation for local charities and local purposes, i.e. Boy Scouts, Girl Scouts, Churches and Civic Organizations.

7-2-11 **VIOLATION.** Any person violating this Article shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined as provided in **Section 1-1-20.**

(Ord. No. 766; 08-18-93)

ARTICLE III – SOLICITORS

DIVISION I – GENERAL REGULATIONS

7-3-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply:

(A) **"Commercial Solicitation"** is defined as any one or more of the following activities: any attempt or activity in furtherance of selling, acquiring or otherwise obtaining orders or contracts for the purchase of goods, wares, merchandise, food products, or any other property of any kind, character or description, including but not limited to real estate and personal property of any kind and type, or services of any kind, character or description whatsoever by a person, partnership, business, corporation or company for profit.

(B) **"Non-Commercial Solicitation"** is defined as any activity which is carried on for the benefit of any school, charitable association, non-profit association, scouting organization or religious entity which seeks the contribution of food, clothing, money, subscriptions, property or donations with or without an exchange of consideration.

(C) **"Premises"** is defined as and shall include every separate unit occupied for any purpose (i.e. residential, commercial or industrial) by one or more persons, partnerships, business, corporation or company and contained within any type of building or structure.

(D) **"Solicit"** is defined as activity in furtherance of either commercial solicitation or non-commercial solicitation.

(E) **"Solicitor"** is defined as any person, partnership, corporation, business, company, charitable entity, non-profit corporation, religious corporation or group engaged in or conducting commercial or non-commercial solicitation. For the purposes of this Article, the definition of a "solicitor" shall also be determined to include itinerant merchants, hawkers, peddlers and transient vendors as these terms may be referenced pursuant to Illinois law. The definition of "solicitor" shall include the license holder as well as any agents, employees and other persons or entities assisting the license holder with the solicitation.

(F) **"Village"** means the Village of Caseyville, Illinois.

7-3-2 **LICENSE REQUIRED.** It shall be unlawful for any solicitor to solicit in the Village, without first obtaining a business license in compliance with the provisions herein and the Business License Code. The procedure, expiration, revocation and renewal of a solicitor's license shall be handled in accordance with the provisions as found in the Business License Code.

7-3-3 **GENERAL PROVISIONS.** The general provisions as found in this Chapter are hereby incorporated in to this Article as though fully set out at length herein.

7-3-4 **APPLICATION.** In addition to any requirements as found in this Code, the applicant for a solicitor's license shall file with the Village Clerk a sworn application in writing which shall give the following information:

(A) Name, address and physical description of the applicant and any of its agents and employees who will be soliciting within the Village.

(B) Permanent home and local address of applicant, and, if applicable, the local address from which proposed solicitations will be made.

(C) A current Illinois Sales Tax Number must be submitted on each solicitor listed on the application before being processed.

(D) A brief description of the nature of the business and the goods to be sold.

(E) The name and address of the employer, if any.

(F) The length of time for which the right to do business is desired.

(G) If employer is a corporation, the state of its incorporation, whether it is authorized to do business in Illinois, and evidence that the corporation has designated a resident agent in the State of Illinois upon whom legal service may be made and that the corporation will be responsible for the acts of its employees in the Village.

(H) A statement as to whether or not the applicant or any of its employees and agents has been convicted of any crime, misdemeanor or violation of any municipal ordinance, other than a traffic violation, the nature of the offense, and the penalty imposed.

(I) The names of the last three cities or villages where applicant has carried on business immediately preceding the date of application and the addresses, if any, from which said businesses were conducted in those municipalities.

7-3-5 **LICENSE FEE.** Each applicant for a license under this Article shall pay to the Village Clerk the sum that is due and owing for a general business as referenced on **Appendix "A"** of the Fee Schedules. This license fee must be paid in full and shall not be prorated for any term less than a year.

7-3-6 **INVESTIGATION.** Upon receipt of each application it shall be referred by the Village Clerk to the Chief of Police, who shall immediately investigate the applicant as well as its agents and employees who will solicit. The Chief of Police shall promptly return the application to the Village Clerk, listing his findings as to the applicant and its agents and employees who will solicit. The applicant shall be notified as to whether a license is issued or if an application for license is denied. The application for a license may be denied for reasons that include, but are not limited to, the following:

(A) The location of the solicitation would endanger the safety and welfare of the solicitors or their customers.

(B) The investigation revealed that the applicant falsified information on the application.

(C) The applicant or one of its agents or employees who will solicit has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, controlled substances or violent acts against persons or property with such conviction being entered within **five (5) years** preceding the date of the application.

(D) The applicant or one of its agents or employees who will solicit is a person against whom a judgment or conviction for theft, fraud, deceit or misrepresentation has been entered within **five (5) years** preceding the date of the application.

(E) The applicant has been denied a solicitor's license within **one (1) year** preceding the date of the most recent application and the applicant has not submitted evidence that the reasons for such earlier denial no longer exist.

7-3-7 **JUVENILE SOLICITORS.** No person under the age of **eighteen (18) years** shall be permitted to engage in any commercial solicitation. Persons under the age of **eighteen (18) years** may engage in non-commercial solicitation subject to the following:

(A) A business license must be obtained by a sponsoring school, organization or entity;

(B) The sponsoring school, organization or entity shall be responsible for ensuring adult supervision of the juvenile solicitor;

(C) The sponsoring school, organization or entity shall be responsible for ensuring that the juvenile solicitor has a uniform, document or other identifiable means to show for what purpose the solicitation is being performed.

7-3-8 **REGULATIONS.**

(A) It shall be unlawful to solicit on Sundays and holidays, and soliciting shall be conducted only from **9:00 A.M.** until **thirty (30) minutes** before sunset on all other days.

(B) It shall be unlawful for any solicitor to solicit within **five hundred (500) feet** of any school or park.

(C) It shall be unlawful for any person engaged in any soliciting to make a false or misleading statement which is material to the subject matter of the solicitation. For purposes of this Article, the terms false and misleading shall have the meanings described to them by a dictionary of common circulation. Each false or misleading statement shall constitute a separate and distinct violation of this provision and shall be punishable by a separate fine or remedy.

(D) It shall be unlawful to solicit without having a copy of the solicitor's license as issued by the Village. The solicitor must show the solicitor's license upon request during any act of solicitation.

(E) It shall be unlawful for any licensed solicitor to transfer a license or allow an unlicensed solicitor to solicit on their license.

7-3-9 UNWANTED SOLICITING. It shall be the policy of the Village that the occupant(s) of any premises shall make the determination of whether solicitors are invited upon that particular premises.

(A) Nothing contained in this Article, or the issuance of any license hereunder, shall entitle the licensee to go in or upon any private premises for the purpose of soliciting, if such licensee, his agents or employees, are directed to depart from said private premises by the owner, or person in charge thereof.

(B) Notwithstanding the prohibitions set forth in this Article, any solicitor who has gained entry to any premises within the Village, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by any occupant thereof. Such requests shall be phrased so as to lead a reasonable person to understand that they are no longer welcome on the premises. If a solicitor fails to comply with the requirements of this paragraph, said failure shall constitute a separate, distinct and additional act of uninvited solicitation as prohibited by this Article.

(C) Any citizen of the Village desiring to prohibit solicitors from their premises may post a sign indicating that solicitors are prohibited from entering onto the premises and attach the sign to the principal structure located on the premises near or at the main entrance to said structure. Any such sign shall be at least **three (3) inches** in both height and width and state "No Solicitors Invited" or words similar in nature. Signs posted as provided herein shall constitute sufficient notice to any solicitor that they are not permitted at or on the premises.

(D) It shall be the duty of every solicitor going upon any premises to examine the area near or on the main entrance to a building or structure to determine whether it is posted with a notice consistent with this Article. If a sign is posted consistent with the terms of this Article, the solicitors shall immediately and peacefully depart from the property.

7-3-10 EXCEPTIONS. This Article shall not apply to the following:

(A) to merchants or their employees in delivery of goods in the regular course of business;

(B) to vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes;

(C) to farmers who sell their agricultural products that they have themselves grown or produced;

(D) any sale required by statute or by order of any court;

(E) any auction sale conducted pursuant to law.

7-3-11 PENALTIES.

(A) Any person, firm or corporation violating any provision of this Article shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(B) Any person, firm or corporation aiding in or abetting the violation of any provision of this Article, or counterfeiting or forging any certificate, permit, or license, or making any misrepresentation in regard to any matter prescribed by this Article, or resisting, obstructing, or impeding the Police Department in enforcing this Article, shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(C) A separate offense shall be deemed committed on each day during or on which any violation occurs or continues.

(D) The Village may commence any appropriate action at law or in equity to enforce the provisions of this Article and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. Any equitable remedies shall be in addition to the penalties set forth elsewhere in this Section.

(E) Any license issued for the purpose of solicitation shall be revoked by the Village if the license holder pleads or is found guilty of any violation of this Article or the Business License Code.

7-3-12 - 7-3-15 RESERVED.

**(Ord. No. 1068; 10-01-08)
(65 ILCS 5/11-42-5)**

DIVISION II – HIGHWAY SOLICITATIONS

7-3-16 SOLICITATION. Pursuant to the authority of **Illinois Compiled Statutes, 625 ILCS 5/11-1006**, it shall be unlawful for persons to stand on a highway for the purposes of soliciting contributions from occupants of vehicles under the following conditions:

(A) The soliciting shall be done by a soliciting agency that is registered with the Illinois Attorney General as a charitable organization as provided in "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; and

(B) The soliciting agency shall be engaged in a statewide fund raising activity, and have a local chapter in the Village; and

(C) The soliciting agency shall be liable for any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent, and the soliciting agency shall furnish the Village Clerk with proof that the agency has insurance coverage covering against general liability in amounts of at least **Five Thousand Dollars (\$5,000.00) to One Million Dollars (\$1,000,000.00)** and including the Village's as an additional insured party; and

(D) All persons engaged in solicitation shall be at least **sixteen (16) years** of age and shall be wearing a high visibility vest, and all solicitation shall be restricted to the following intersections:

157 and E. O'Fallon Drive
157 and I-64
157 and Bunkum
157 near 601 N. Main St. (Killions)

(E) The soliciting agency obtains a permit from the office of the Village Clerk, and comply with any restrictions on the permit that may be inserted thereon. Restrictions may be made in the discretion of the Village Board with respect to certainty of dates, times, locations, number of solicitors, and such other restrictions as the Village Board determines to be necessary for the public health, safety, and welfare. An application for the permit shall be made at least **thirty (30) days** prior to the solicitation day or days, and the applications shall be accompanied by proof of compliance with all the requirements of this Article (except for the proof of insurance coverage which must be on file within **seven (7) days** after issuance of the permit, which shall be conditionally issued until the proof of coverage is accepted by the Village Clerk).

(Ord. No. 795; 11-16-94)

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, pinball 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 of good character and reputation in the community.

(B) 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.

(C) Any person whose license issued under this Article has been revoked for cause.

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

(E) 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.

(F) 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.

(G) 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 **Seventy-Five Dollars (\$75.00) 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 GAMBLING REGULATIONS.

(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.

(D) **Permitting Gambling.** The gambling prohibition shall not apply to any game or gaming event for which a license or permit has been by the Illinois Gaming Board pursuant to the *Illinois Video Gaming Act, 230 ILCS 40/1 et seq.*, provided that such game or gaming event is conducted in full and complete compliance with all requirements of such act and all rules and regulations of the Illinois Gaming Board. **(See Section 21-3-16 – Liquor Code)**

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 - TATTOO AND BODY PIERCING ESTABLISHMENTS

7-5-1 **ADOPTION BY REFERENCE.** The Village hereby incorporates and adopts the purpose and definitions as set out in the Tattoo and Body Piercing Establishment Registration Act, **410 ILCS 54/1 et seq.** by reference herein.

7-5-2 **CRIMINAL CODE.** The Village hereby incorporates and adopts the provisions as found in the Illinois Criminal Code, **720 ILCS 5/12-10** and **720 ILCS 5/12-10.1**, in regard to the tattooing and body piercing of any persons under the age of **eighteen (18) years**.

7-5-3 **TATTOOING PROHIBITED.** Tattooing shall be prohibited within the jurisdictional boundaries of the Village unless the tattooing is performed either by, or under the direct and immediate supervision of, a person licensed to practice medicine in the State of Illinois.

7-5-4 **BODY PIERCING PROHIBITED.** Body piercing shall be prohibited within the jurisdictional boundaries of the Village unless the body piercing is performed either by, or under the direct and immediate supervision of, a person licensed to practice medicine in the State of Illinois.

7-5-5 **LOCATIONS PROHIBITED.** No establishment that performs either tattooing or body piercing shall be located within **five hundred (500) feet** of any school or facility used for education of persons under the age of **eighteen (18) years**. The distance of **five hundred (500) feet** shall not be measured to the party of any building on the properties, but rather the distance of **five hundred (500) feet** shall be measured from the boundary lines of the respective properties.

7-5-6 **COMPLIANCE WITH ALL LAWS.** All establishments that perform tattooing or body piercing must comply with all local, state and federal laws as well as any regulations enforced by the St. Clair County Health Department, the Illinois Department of Public Health or any applicable federal agencies.

7-5-7 **EAR PIERCING EXCLUDED.** These regulations shall not apply to establishments that perform ear piercing with the use of a piercing gun or to establishments that apply cosmetic permanent makeup applied to the skin of the face, lips and eyelids. These establishments shall, however, use proper procedures and sanitization practices as required by local, state or federal law. These exempted establishments shall be expressly prohibited from performing cosmetic permanent makeup on body parts other than the face, lips, eyelids or body piercing on body parts other than the ears without satisfying all the requirements of this Article.

7-5-8 **ENFORCEMENT AND PENALTIES.** The enforcement of and penalties assessed pursuant to this Article shall be as follows:

(A) Any person, entity or corporation violating any provision of this Article shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(B) Any person, entity or corporation aiding in or abetting in violation of any provision of this Article, or counterfeiting or forging any license or permit, or making any misrepresentation in regard to any matter prescribed by this Article, or resisting, obstructing, or impeding the Village in enforcing this Article, shall be fined not less than **One Hundred Dollars (\$100.00)** or

more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(C) A separate offense shall be deemed committed on each day during or on which any violation occurs or continues.

(D) The Village may commence any appropriate action at law or in equity to enforce the provisions of this Article and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. Any equitable remedies shall be in addition to the penalties set forth elsewhere in this Section.

(Ord. No. 1055; 03-19-08)

ARTICLE VI – HOTEL AND MOTEL REGULATIONS

7-6-1 **GUEST REGISTRY REQUIRED.** It shall be the duty of the owner and operator of any hotel to keep a guest register of persons accommodated in the hotel for the purpose of verifying registrants' identities. **(See Appendix "A" for fees!)**

7-6-2 **REGISTRY REQUIREMENTS.** The guest register kept by each hotel or motel shall include, for all guest rooms, the full legal name of the registrant, date of birth for the registrant, the type of official photo identification presented and any personal identification number contained thereupon, the registrant's permanent residence address, an attached photocopy of the official photo identification that was presented, the room number, the date of arrival, and the expected duration of the registrant's stay.

7-6-3 **IDENTIFICATION OF GUESTS.** Every guest at a hotel or motel in the Village shall be identified on the guest register, and the guest responsible for payment shall produce a valid driver's license or other governmentally issued identification with a photograph of the bearer, setting forth the name and permanent residence of the financially responsible guest.

7-6-4 **VEHICLE INFORMATION.** The financially responsible guest shall also provide the make, model and license plate state/number of the vehicles that have transported the guests either to or from the hotel or motel before and after the guest's stay.

7-6-5 **UNDER TWENTY-ONE (21) RESTRICTION.** If any guest is under the age of **twenty-one (21) years** old, then the hotel or motel owner and operator shall require a person being **twenty-one (21) years** of age or older to be both financially responsible and to provide on-site supervision for any and all rooms occupied by a guest under the age of **twenty-one (21) years** old. The financially responsible person must provide the information as requested in **Section 7-6-1** of this Article. An exception to this Section shall apply for any persons under the age of **twenty-one (21) years** old who has a valid military identification.

7-6-6 **REGISTERING UNDER FALSE NAME.** No person registering in a hotel shall do so or attempt to do so under any false name or identity.

7-6-7 **FALSE IDENTIFICATION UNLAWFUL.** No person registering in a hotel shall present for the purpose of registration, false identification or any identification which misrepresents or fails to disclose the registrant's true identity.

7-6-8 **DECEPTION BY EMPLOYEES.** No owner or operator, or his employee, agent or representative shall knowingly write, cause to be written, or permit to be written, in the guest register in any hotel any other or different name or designation than the true name of the person so registered therein.

7-6-9 **GUEST REGISTER AVAILABLE.** The guest register shall be available at all times for inspection by any police officer of the Village, and shall be maintained by the hotel or motel for a period of **two (2) years**.

7-6-10 **DELIVERY OF ARTICLES.** These regulations for hotel and motel guest registration shall be sent regular U.S. Mail to all of the hotels and motels within the Village.

7-6-11 **PENALTIES.**

(A) Any person, firm or corporation violating any provision of this Article shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(B) Any person, firm or corporation aiding in or abetting the violation of any provision of this Article or counterfeiting or forging any permit or authorization, or making any misrepresentation in regard to any matter prescribed by this Article, or resisting, obstructing, or impeding the Police Department in enforcing this Article, shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(C) A separate offense shall be deemed committed on each day during or on which any violation occurs or continues.

(D) In addition to any other penalties as set out in this Section, the Village may commence an action to enjoin any persons from violating this Article. The Village may commence any appropriate action at law or in equity to enforce the provisions of this Article and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. Any equitable remedies shall be in addition to the penalties set forth elsewhere in this Section.

(65 ILCS 5/11-30-5)
(Ord. No. 1143; 07-18-12)

ARTICLE VII – RAFFLES AND POKER RUNS

7-7-1 DEFINITIONS.

(A) "Raffle": "Raffle" means a form of lottery (as defined in Section 28-2(b) of the Criminal Code of 2012, as amended) conducted by an organization/establishment licensed under the Code whereby:

- (1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance.
- (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

(B) "Poker Run": "Poker run" means an event organized by an organization licensed under **230 ILCS 15 et seq.**, as amended, in which participants travel to multiple pre-determined locations, including a "key location," drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

(C) "Key Location": "Key location" means the location where the poker run concludes and the prizes or prize are awarded.

(D) "Bona Fide Religious, Charitable, Labor, Business, Fraternal, Educational, or Veterans' Organizations": "Bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization" shall be defined as provided in **230 ILCS 15/2(b)**, as amended.

(E) "Prize": "Prize" shall be defined as a thing of value awarded to a participant of a Raffle, Poker Run, and/or other Charitable Games.

(Ord. No. 1711; 05-17-17)

7-7-2 LICENSES, APPLICATIONS; ISSUANCE.

No organization shall operate a raffle or poker run in the Village without first complying with any and all regulations of this Article and obtaining a license therefore.

(A) Licenses shall be issued consistent with any applicable state statute, and shall be issued by the Village Clerk.

(B) Licenses issued pursuant to this Code for a raffle shall be valid for **one (1) year** and may be suspended or revoked for good cause, and shall be so suspended or revoked by the Board of Trustees upon a complaint filed with the Village Clerk.

(C) Licenses issued pursuant to this Code for a poker run shall be valid for **one (1) poker run** or for a specified number of poker runs to be conducted during a specific period not to exceed **one (1) year** and may be suspended or revoked for good cause, and shall be so suspended or revoked by the Board of Trustees upon a complaint filed with the Village Clerk.

(D) The key location for a poker run shall be within the jurisdiction of the Village. The license shall be granted to the key location, and shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each predetermined location.

(E) Licenses for raffles and poker runs shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations as those terms are defined in **230 ILCS 15/2(b)**, as amended, 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.

(F) The license and application must specify the area (or areas) within the Village 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 of winning chances; and the location or locations at which winning chances will be determined.

(G) The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the fidelity bond as described by state statute.

(H) Where the provisions of this Article or of **230 ILCS 15 et seq.** require supplemental information or limitations, the express provisions of this Article and **230 ILCS 15 et seq.**, as amended, shall control.

7-7-3 **LIMITATIONS.**

(A) The maximum price which may be charged for each raffle or poker run shall not exceed **Twenty-Five Dollars (\$25.00)**.

(B) The maximum number of days during which raffle chances may be issued or sold shall not exceed **one (1) year**.

(C) The maximum value of any prize shall not exceed **Two Hundred Fifty Thousand Dollars (\$250,000.00)**.
(Ord. No. 1711; 05-17-17)

7-7-4 **CONDUCT OF RAFFLES AND POKER RUNS.**

(A) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization.

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

(C) No person may receive any payment or profit for participating in the management of the raffle or poker run.

(D) A licensed organization may rent premises on which to determine the winning chance or chances in a raffle or poker run only from another organization which is also licensed to have raffles or poker runs.

7-7-5 **RAFFLE MANAGER.** All operation of and the conduct of raffles within the Village shall be under the supervision of a single raffle manager designated by the organization. The manager shall obtain a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** in favor of the organization. A copy of this bond must be filed with the Village Clerk.

7-7-6 **RECORDS.** Each organization shall keep records of its gross receipts, expenses and net proceeds as required by **230 ILCS 15/6**, as amended.

7-7-7 **INELIGIBILITY.** The following are ineligible for any license under this Article:

(A) Any political committee which has an officer who has been convicted of a felony;

(B) Any political committee which has an officer who is or has been a professional gambler or gambling promoter;

(C) Any political committee which has an officer who is not of good moral character;

(D) Any political committee which has an officer who is also an officer of a firm or corporation in which a person defined in (A), (B), or (C) has a proprietary, equitable, or credit interest, or in which such a person is active or employed;

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

(F) Any political committee in which a person defined in (A), (B), or (C) is to participate in the management or operation of a raffle or poker run as defined in this Section;

(G) Any committee which, at the time of its application for a license to conduct a raffle or poker run, owes the State Board of Elections any unpaid civil penalty authorized by Sections 9-3, 9-10 and 9-23 of The Election Code, or is the subject of an unresolved claim for a civil penalty under Sections 9-3, 9-10 and 9-23 of The Election Code;

(H) Any political committee which, at the time of its application to conduct a raffle or poker run, has not submitted any report or document required to be filed by Article 9 of The Election Code and such report or document is more than **ten (10) days** overdue.

7-7-8 **FILING FEE.** A filing fee of **Fifty Dollars (\$50.00)** per year must be paid when applying for each raffle or poker run license. A filing fee of **Three Hundred Dollars (\$300.00)** per year must be paid when applying for each progressive raffle of **thirty (30) days** or more. **(Ord. No. 2018-08; 04-04-18)**

7-7-9 **VIOLATION.** Violation of this Article shall constitute a petty offense.

7-7-10 **NO LIMIT.** There shall be no limit on the prize amount.

(Ord. No. 1601; 01-20-16)

ARTICLE VIII – ADULT USE LICENSING AND REGULATION

7-8-1 **PURPOSE.** The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The Village recognizes that such regulation cannot effectively prohibit such uses, but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses.

7-8-2 **DEFINITIONS.**

(A) **Adult Bookstore.** An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(B) **Adult Entertainment Cabaret.** A public or private establishment which:

- (1) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows;
- (2) not infrequently features entertainers who display "specified anatomical areas"; or
- (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of "specified sexual activities".

(C) **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(D) **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(E) **Nudity.** Nudity means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn "thong" type bikini bottom.

(F) **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious

ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(G) **Adult Use.** Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

(H) **Employee.** Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

(I) **Specified Sexual Activities.** For the purpose of this Article, "specified sexual activities" means:

- (1) human genitals in the state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy; and
- (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(J) **Specified Criminal Activity.** For the purpose of this Article, "specified anatomical areas" means:

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

(K) **Specified Criminal Activity.** Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (2) For which:
 - (a) less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;
 - (b) less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or
 - (c) less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period; and
- (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

7-8-3 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the Village pursuant to this Article.

(B) An application for a license shall be made on a form provided by the Village.

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

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this Article. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a **twenty percent (20%)** or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

- (1) If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
- (2) If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted.
- (3) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and
- (4) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a **twenty percent (20%)** or more stake) and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the application, he/she must state:

- (1) the business' fictitious name and
- (2) submit any required registration documents.

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(H) Whether the applicant has had a previous license under this Article or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this Article or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(I) Whether the applicant holds any other licenses under this Article or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

7-8-4 **ISSUANCE OF LICENSE.**

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the Village shall approve or deny the issuance of a license to an applicant. The Village shall approve the issuance of a license unless it determines, by a preponderance of the evidence, any one or more of the following:

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

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Department and Code Enforcement Officers shall complete their inspection certification that the premises is in compliance or not in compliance with Village codes within **twenty (20) days** of receipt of the application by the Village.

(D) No adult use business license shall be issued unless it meets all criteria set forth in the Zoning Code. However, an adult use business license may be issued for a premises which is a legal nonconforming use which has not yet been amortized or for a premises where such amortization is being challenged by litigation.

(E) No signs, advertising or other notice to the public may be given for any premises where adult use is conducted, pursuant to this Article.

7-8-5 **LIQUOR.** No liquor license shall be issued to a licensee or to premises where adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted.

7-8-6 **FEES.** Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a **One Thousand Dollar (\$1,000.00)** non-refundable application and investigation fee.

7-8-7 **INSPECTION.**

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other Village or Village designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article is he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-8-8 EXPIRATION OF LICENSE.

(A) Each license shall expire on the **January 1** after it was issued and may be renewed only by making application as provided in **Section 7-8-4**. Application for renewal shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) If the Village denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the Village finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-8-9 SUSPENSION. The Village may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

(A) violated or is not in compliance with any section of this Article;

(B) refused to allow an inspection of the adult use business premises as authorized by this Article, or

(C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

7-8-10 REVOCAION.

(A) The Village shall revoke a license if a cause of suspension in **Section 7-8-8** above occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any specified criminal activity.

(B) The Village may revoke a license if it determines, after a hearing, that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;

(3) A licensee or management personnel has knowingly allowed prostitution on the premises;

(4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;

(5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;

(6) A licensee is delinquent in payment to the Village, County or State for any taxes or fees past due;

(7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or

(8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) If the Village revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the Village finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

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

7-8-11 TRANSFER OF LICENSE. A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

7-8-12 BUSINESS RECORDS. All adult uses shall file a verified report with the Village showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years**, the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

7-8-13 LIQUOR LICENSE. No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-8-14 ADULT ENTERTAINMENT CABARETS – RESTRICTIONS. All dancing or other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performance shall occur closer than **ten (10) feet** to any patron. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any dancer or performer. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage.

7-8-15 VIDEO VIEWING BOOTHS – RESTRICTIONS. No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions or a room or individual rooms so used shall have at least **one (1) side** open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment.

7-8-16 HOURS OF OPERATION. No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

7-8-17 INVESTIGATION. Any licensee hereunder shall permit law enforcement officials, free and unlimited access to the premises during hours of operation, upon reasonable request, for the purposes of investigating compliance with the provisions of this Article.

ARTICLE IX – FIREWORKS CODE

7-9-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Common Fireworks: Any fireworks designed primarily to produce visual or audible effects by combustion.

(A) The term includes:

- (1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
- (2) Smoke devices;
- (3) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;
- (4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

Dangerous Fireworks: Any fireworks not defined as a “common firework”.

Fireworks: Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

Special Fireworks: Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B) Fireworks not classified as common fireworks.

7-9-2 **SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the Village other than those fireworks designated in **Section 7-9-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-9-3 **POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the Village; provided that this prohibition shall not apply to duly authorized public displays.

7-9-4 **PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS.** It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the Village without first having obtained a valid permit issued pursuant to the provisions of this Article.

7-9-5 **TIME LIMIT SET ON SALE AND USE.** No permit holder shall offer for retail sale or sell any fireworks within the Village except from **12:00 Noon** on the **28th of June** to **12:00 Noon** on the **6th of July** of each year. No fireworks may be sold or discharged between the hours of **11:00 P.M.** and **9:00 A.M.** Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:

Dipped stick, sparklers and smoke devices.

7-9-6 PERMIT FEES. The annual fee for a "seller's permit" for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller's permit, payable in advance. The fee for a "public display permit" for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the Village Board.

7-9-7 ISSUANCE – NONTRANSFERABLE VOIDING.

(A) **Sellers.** Each seller's permit issued under this Article shall be for only one retail outlet. The number of seller's permits shall not be limited as long as all conditions are met as stated in **Section 7-9-11** of this Article. Each seller's permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

7-9-8 APPLICATION FOR PUBLIC DISPLAY PERMIT. Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-9-12** of this Article.

7-9-9 APPLICATION FOR SELLER'S PERMIT—CONDITIONS FOR ISSUANCE.

Applications for seller's permits shall be made to the Village Clerk annually on or after **April 1st** of the year for which the permit is issued and the filing period shall close on **April 15th** of such year unless extended by action of the Village Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller's permits for the sale of those fireworks allowed pursuant to **Section 7-9-4** of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. **(425 ILCS 35)**

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars (\$500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars (\$1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the Village is to be an additional named insured and the policy shall provide for the immediate notification of the Village by the insurer of any cancellation of any policy.

(E) The permit holder's location or place of business shall be only in those areas or zones within the Village where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-9-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the Village a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the Village. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10th) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-9-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the Village Clerk shall be controlling.

7-9-10 SALE FROM STANDS – EXCEPTIONS. All approved fireworks as set forth in **Section 7-9-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

7-9-11 STANDARDS FOR TEMPORARY STANDS. The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the Village Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **"No Smoking Within 50 Feet"** shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7th) day of July** of each year.

(I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: **"No discharge of fireworks within 250 feet."** shall be posted on the exterior of all walls of the temporary fireworks stand.

7-9-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS. All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the Village and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the Village for all costs to firefighters for such time.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

7-9-13 USE OF FIREWORKS IN PUBLIC PARKS. It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the Village, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-9-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-9-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;
- (3) The safety and suitability of the area as a place for the discharge of fireworks; and
- (4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1st** of each year fro use on **July 4th** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may be appealed in writing to the Village Board by any citizen of the Village. The decision of the Village Board shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the Village Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

7-9-14 **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the Village in accordance with **Sections 7-9-7** and **7-9-8** of this Code.

7-9-15 **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

7-9-16 **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

7-9-17 **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

7-9-18 **ENFORCEMENT.** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

7-9-19 **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

ARTICLE X – FOOD TRUCK REGULATIONS

7-10-1 DEFINITIONS

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

MOBILE FOOD VEHICLE. A motorized vehicle (sometimes referred to as a “food truck”) that may temporarily park in an area designated by this chapter, and engage in the service, sale or distribution of ready-to-eat food for individual-portion service to the general public directly from the vehicle, upon issuance of a business registration by the Zoning Administrator and conformance with the regulations established by this chapter.

MOBILE FOOD VEHICLE VENDOR. The registered owner of a mobile food vehicle, or the owner’s agent or employee, and referred to in this chapter as “vendor.”

MOBILE RETAIL VEHICLE. A motorized vehicle (sometimes referred to as a “food truck”) that may temporarily park in an area designated by this chapter, and engage in the service, sale or distribution of ready-to-eat food for individual-portion service to the general public directly from the vehicle, upon issuance of a business registration by the Zoning Administrator and conformance with the regulations established by this chapter.

MOBILE FOOD VEHICLE VENDOR. The registered owner of a mobile retail sales vehicle, or the owner’s agent or employee, and referred to in this chapter as “vendor.”

7-10-2 SCOPE

The provisions of this section apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage, with or without charge, upon or in public and private spaces, and mobile retail sales vehicles engaged in the business of selling retail merchandise upon or in public and private restricted spaces.

7-10-3 BUSINESS LICENSE REQUIRED; APPLICATION

- (A) It shall be unlawful for any person or entity (including, but not limited to, any charitable, for-profit or non-profit organization) to operate a mobile food vehicle or mobile retail vehicle within the village without having obtained from the village a business license for such purpose from the village.
- (B) The license required by this chapter shall be issued in accordance with Chapter 7 regarding business license application registration.
- (C) All mobile food vehicle and mobile retail vehicle business registrations issued under this chapter shall be kept conspicuously posted on the vehicle at all times.

7-10-4 MOBILE VENDOR LICENSE REQUIRED; APPLICATION

- (A) No person shall operate as a mobile food truck or mobile retail vendor without having first secured a valid annual mobile vendor license for each vehicle to be operated within the village, and to be displayed in or on each vehicle to be used in the operation of any such business.
- (B) Any person or entity desiring to operate a mobile food vehicle or mobile retail vehicle shall make a written application for such license to the Zoning Administrator. Applications for mobile vendor license shall be made no less than thirty (30) days in advance of the intended date for beginning sales upon a form provided by the village. In addition to the information prescribed by the Chapter 7, the application shall include the following information:
- (1) The Name, signature, phone number, email address, home address, and business address of the applicant, and the name and address of the owner if the applicant is not the owner of the business;
 - (2) State and Federal Tax identification numbers for the retailer's occupation tax;
 - (3) A copy of the driver's license or state identification card of the individual applying for the mobile food vehicle business registration or mobile retail vehicle business registration;
 - (4) A description of the preparation methods and food product offered for sale, including the intended menu;
 - (5) A description and photograph of the mobile food vehicle or mobile retail vehicle to be used, including the license plate and registration number, the vehicle identification number (VIN number), the year, the make and the model of the vehicle, and its dimensions, which shall not exceed 36 feet in length or nine feet in width;
 - (6) Copies of all necessary licenses and permits from the county, including the current health department permit for mobile food vendors.
 - (7) For mobile food vehicles performing cooking operations that produce grease-laden vapors, proof of certification of a fire suppression system.
 - (8) Proof of an insurance policy, in a minimum amount of \$1,000,000, issued by an insurance company licensed to do business in the state, covering all claims for damages to property and bodily injury, including death, that may arise from operation under or in connection with the license or permit. The insurance policy shall name the village as an additional insured, and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the village.
 - (9) Copies of all documentation reasonably necessary to verify that food preparation occurs in a duly-licensed kitchen or kitchen environment.
 - (10) Copies of Servsafe certification, or sufficiently similar food handling certification, for all person(s) handling prepared or unpackaged food items.
 - (11) Each application shall pay a One Hundred (\$100.00) fee per application. Fees are not subject to proration.

- (C) A separate mobile vendor license shall be obtained for each vehicle used by the mobile food vehicle or mobile retail vehicle within the corporate limits of the village.
- (D) A mobile vendor license issued under this chapter shall be valid for a period of one year, commencing on July 15th of each year and shall terminate on July 14th of the following year, unless suspended or revoked for cause. A mobile vendor license shall not be assignable or transferable.
- (E) Prior to the issuance of a mobile vendor license, the village shall conduct an inspection of the proposed mobile food vehicle or mobile retail vehicle.

7-10-5 ADDITIONAL REGULATION

- (A) No mobile retail vehicle or mobile food truck shall operate in any area or neighborhood zoned residential.
- (B) No mobile retail vehicle or mobile food truck shall sell, serve or otherwise distribute any alcoholic beverage.
- (C) Mobile retail vendor or mobile food truck may operate during the hours of 10:30 am and the later of 7:00 pm or half-hour after sunset. The Board of Trustees may restrict or authorize additional hours of operation on a case-by-case basis.
- (D) Each person or agent owning, operating, employed onsite or otherwise conducting operations for a mobile food truck or mobile retail vehicle must pass appropriate background checks prior to beginning or otherwise conducting said operations.
- (E) No operator of a mobile food vehicle or mobile retail vehicle shall park, stand or move a vehicle and conduct business within areas of the village where the business registration holder has not been authorized to operate. All mobile food vehicles and mobile retail vehicles shall operate in conjunction with a special use permit that shall be reviewed and approved by the Board of Trustees.
- (F) All mobile food vehicles and mobile retail vehicles shall comply with the following requirement: Compressors, auxiliary engines, generators, batteries, battery chargers, gas-fueled water heaters and similar equipment shall be installed so as to be accessible only from outside the vehicle.
- (G) The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb, lawn or sidewalk when parked. No food service shall be provided on the driving lane side of the truck. No food shall be prepared, sold or displayed outside of a mobile food vehicle.
- (H) No mobile food vehicle vendor shall provide or allow any dining area that exceeds 100 square feet or is further than 20 feet from the mobile food vehicle, including, but not limited to, table and chairs, booths, stools, benches or stand-up counters.
- (I) Mobile food vehicle vendors shall, at all times, possess a valid County Health Department permit.
- (J) All mobile food vehicle vendors shall provide a waste container for public use, which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators, at least each day and as often as is reasonable to protect the public health, safety and welfare. Spills of food or food byproducts shall be cleaned up. No dumping of gray water within the village shall be permitted.
- (K) No mobile food vehicle or mobile retail vehicle shall make or cause to be made any public nuisance.
- (L) No mobile food vehicle or mobile retail vehicle shall sound or permit the sounding of any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.

- (M) Signage is only allowed when placed on mobile food vehicles except that one temporary, separate freestanding sign, not to exceed 12 square feet, is permitted.
- (N) No flashing or blinking lights, strobe lights, or related signage are allowed on mobile food vehicles or mobile retail vehicles when they are parked and engaged in serving customers.
- (O) Mobile food vehicles and mobile retail vehicles shall be parked in conformance with all applicable parking restrictions, when parked on public streets.
- (P) Mobile food vehicles and mobile retail vehicles shall not, under any circumstances, park, stop or stand upon any street during the hours when parking, stopping or standing has been prohibited by signs or curb markings, or is prohibited by statute or ordinance.
- (Q) Mobile food vehicles and mobile retail vehicles shall not in any way restrict or interfere with the ingress or egress of the abutting property owner or tenant, or otherwise hinder the lawful parking or operation of other vehicles.
- (R) Mobile food vehicles or mobile retail vehicles shall not increase traffic congestion or delay or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
- (S) Mobile food vehicles and mobile retail vehicles shall not park, stop or stand upon any street, or remain in the roadway, except when at the curb for the purpose of vending therefrom.
- (T) A vendor shall not operate a mobile food vehicle or mobile retail vehicle within 500 feet of any fair, festival, special event or civic event that has been approved by the village, unless the vendor has been approved as part of the event.
- (U) A vendor shall not operate on private property without first obtaining written consent from the affected property owner. A private property owner shall not permit parking by a mobile food vehicle or mobile retail vehicle, until a business registration and a mobile vendor license has been granted by the village.
 - (1) Special use permits on private property shall be granted only after a written request has been approved by the Zoning Administrator.
 - (2) Permission to operate a mobile food truck or mobile retail vehicle on village-owned property shall be granted only after a written request has been approved by a majority of the Village Board of Trustees.
- (V) Any power or fuel required for the mobile food vehicle or and mobile retail vehicle shall be self-contained. A mobile food vehicle or and mobile retail vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles and mobile retail vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any public street, alley or sidewalk.
- (W) Mobile food vehicles and mobile retail vehicles shall not operate within:
 - (1) Fifteen feet of any entranceway to any building;
 - (2) Fifteen feet of any driveway entrance to a police or fire station;
 - (3) Fifteen feet of any other driveway;
 - (4) Fifty feet of a crosswalk or intersection;
 - (5) Twenty-five feet
 - (6) In the case of mobile food vehicles, not operate within 250 feet of an existing restaurant building during the hours when it is open for business. Exception: In the case all existing restaurant buildings within 250 feet of the mobile food vehicle give written permission for the mobile food vehicle to operate, it shall be permissible for the mobile food vehicle to operate within the aforementioned area.
 - (7) In the case of mobile retail vehicles, not operate within 250 feet of an existing retail building selling similar products during the hours when it is open. Exception: In the case all existing retail buildings within 250 feet of the mobile retail vehicle give written permission for the mobile retail vehicle to operate, it shall be permissible for the mobile retail vehicle to operate within the aforementioned area.
- (X) The issuance of a mobile food vehicle or mobile retail vehicle business registration does not grant or entitle the vendor to the exclusive use of any street or parking space.

- (Y) A mobile food vehicle or mobile retail vehicle shall not operate for more than five (5) consecutive days at a singular location except with express authorization granted by the Board of Trustees. A mobile food vehicle or mobile retail vehicle may not stay at a location overnight.
- (Z) No food, food products, or beverages for public consumption shall be kept, offered for sale, transported, or handled except in accordance with the rules and regulations of the State of Illinois and the St. Clair County Health Department. If the St. Clair County Health Department suspends or revokes the food service establishment permit, then the mobile vendor license granted pursuant to these provisions shall be suspended until the St. Clair County Health Department reinstates the food service establishment permit(s).
- (AA) The Board of Trustees reserves the right to impose additional regulations as conditions of approval of business license and/or mobile vendor license for any mobile food truck or mobile retail vendor as reasonably necessary to protect the health, safety and welfare of the public. Upon written request of any mobile food truck or mobile retail vendor, the Board of Trustees may approve variances to certain regulations through the issuance of a Special-Use Permit.

7-10-6 DENIAL OF LICENSE

- (A) If any of the following factors have been committed, the mobile vendor application shall be denied:
 - (1) Any of the material statements made in the application to be false;
 - (2) The applicant has been charged with or received a disposition of guilt either through supervision, probation, or conviction for any offense involving a forcible felony, theft, burglary, fraud, bribery or moral turpitude under the laws of the State of Illinois, of any other state, or of the United States within five (5) years of the date of the application;
 - (3) The Applicant or his employer has had a previously issued license revoked by the village or any other municipality within five (5) years of the date of the application;
 - (4) The applicant has not secured or maintained a valid health permit from the St. Clair County Health Department; or
 - (5) The applicant has outstanding debt with the Village.
- (B) The Village Clerk shall deny the license application and shall provide written notification of such denial to the applicant in person or by first class mail.
- (C) Any person operating a mobile food vehicle or mobile retail vehicle in violation of any provision of this chapter shall be subject to all other enforcement provisions of this chapter and Article.

7-10-7 SUSPENSION REVOCATION OF LICENSE.

- (A) A license may be suspended when a violation of this Chapter is verified by the Village and until such time as the violation is cured by the licensee and verified by the Village. The Village President or his designee shall be empowered to order a particular vehicle out of service for violations of this Article without actually suspending the vendor license.
- (B) The conviction of the applicant for a forcible felony, theft, burglary, fraud, bribery or moral turpitude shall result in the revocation of any and all food truck vendor's licenses issued hereunder.
- (C) The Village may revoke any food truck vendor's license if the driver of said vehicle is convicted of a moving traffic law violation occurring while operating a food truck or trailer under a license issued hereunder in the Village.
- (D) If the applicant or any driver of a subject vehicle is or shall become a registered sex offender under the Illinois sex offender registration act, the Village shall refuse to issue a license hereunder or shall revoke any license already issued hereunder.

- (E) A violation of any of the terms of this Chapter or of the remainder of this Code may result in the revocation of any food truck vendor's license issued hereunder.
- (F) A revocation shall be processed by Village staff and approved by the action of the Village President or designee. The Village staff shall mail, via regular mail, a notice of revocation to the address listed on the licensee's application. The failure of the licensee to receive said notice of revocation shall not affect or invalidate the revocation hereunder or the time frames for appealing said revocation.
- (G) Any licensee may appeal a decision of the Village President to the Board of Trustees within fourteen (14) days of the mailing date of any revocation notice. The decision of the Board of Trustees on any such appeal shall be final. Any person who has had a license revoked hereunder shall not be eligible for a new license for a period of one (1) year from the date of revocation.

7-10-8 ENFORCEMENT

- (A) Any person operating a mobile food vehicle or mobile retail vehicle in violation of any provision of this chapter shall be subject to all other enforcement provisions of this chapter and Article.
- (B) Any business registration issued under this chapter may be revoked, suspended or not renewed by the Zoning Administrator for failure to comply with the provisions of this chapter and any rules or regulations promulgated by the village.

7-10-9 PENALTY

- (A) Any person, partnership, firm, entity or corporation in violation of any provision of this Article shall be fined as provided in **Section 1-1-20** of this Code as hereinafter amended.
- (B) The conviction or punishment of any person, partnership, firm, entity or corporation for violation of the provisions of this Article shall not release such person from paying any fee due and unpaid at the time of such conviction, nor shall payment of any fee prevent prosecution for violation of any of the provisions of this Article.
- (C) The amount of any fee due hereunder shall be deemed a debt to the Village. An action may be commenced in the name of the Village in any court of competent jurisdiction for the amount of any delinquent fee. All unpaid fees shall be deemed delinquent after they are due and payable.
- (D) All remedies shall be cumulative, and the use of one or more remedies by the Village shall not bar the use of any other remedy.

Section 2 To the extent that any duly enacted ordinance or code conflicts with the amendments contained in Section 1, above, the provision in Section 1, above, shall take priority and the conflicting provision or code shall not apply.

Section 3 The Board authorizes the appropriate personnel to take any and all actions reasonably necessary to carry out the provisions of this ordinance.

ARTICLE XI – MESSAGE ESTABLISHMENTS AND SERVICES

7-11-1 **DEFINITIONS.**

(A) **"Massage Therapists"** means any person who, for any consideration whatsoever, engages in the practice of therapeutic massage, as defined in this Section, and who provides proof of the following:

- (1) Proof of active member status in a professional massage therapy organization; and
- (2) Completion and graduation from an approved program for 500-hour massage/bodywork training or a passing score on a recognized certification exam such as the National Certification exam.

(B) **"Massage Therapy Clinic"** means any place of business having a source of income or compensation derived from therapeutic massage, where a licensed massage therapist administers therapeutic massage or from where a massage therapist is dispatched to administer therapeutic massage. A Massage Therapy Clinic also includes schools and institutions for purposes of this Chapter.

(C) **"Off-Premises Massage"** means the activity of providing massage services by a licensed massage therapist for a fee at a location other than at a massage therapy clinic.

(D) **"Professional Massage Therapy Organization"** means an organization that promotes minimum standards for the profession, assists legislatures in developing laws regarding the profession, requires members to adhere to a code of ethics, and provides legal assistance, education, insurance, support and information to its members.

(E) **"Therapeutic Massage"** or **"Massage Therapy"**.

- (1) Scientific health care, health maintenance and rehabilitation techniques scientifically applied to the client by a trained professional massage therapist for the purpose of causing increased circulation throughout the body, ridding the body of waste products and/or toxins, inducing relaxation, easing mental and physical tension, alleviating aches and pain, and the breaking up of fatty tissues, adhesions, scar tissue and muscle spasms and releasing the body's natural pain killers called "endorphins" which produce biological effects of analgesia and euphoria. Therapeutic Massage does not diagnose or treat classified diseases, practice spinal manipulation or prescribe medicine or drugs.
- (2) Therapeutic Massage may include, but is not limited to, joint mobilization techniques, stretches, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes and any reasonable method of pressure on the external soft parts of the body with the hands, elbows or forearms, or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oils, liniments, hot and cold packs, antiseptics, powders, creams, lotions, salt glows, ointments or other similar preparations commonly used in the practice.

7-11-2 **APPLICATION.** The provisions of this Chapter shall not apply to:

(A) State-licensed medical doctors, doctors of osteopathic medicine, chiropractors, physical therapists, naprapaths or registered nurses, where such massage is part of their state practice act;

(B) State-licensed practical nurses, hospitals or nursing homes while administering such massages in the normal course of their medical duties; and/or

(C) Any state-registered athletic trainer who administers such athletic-related massage in the normal course of training duties, where such massage is part of the State Athletic Trainers Practice Act (**225 ILCS 5**).

7-11-3 LICENSES.

(A) Every massage therapist shall be licensed as required by the state, pursuant to the Massage Licensing Act, **225 ILCS 57/15.**

(B) Every massage therapist shall conspicuously display the license required by the state in his or her work area.

(C) It shall be the responsibility of the license holder of a massage therapy clinic to ensure that each person employed as a massage therapist shall first have obtained a valid massage therapist license as set forth in this Chapter. It shall be unlawful for such a clinic to allow a licensed massage therapist to practice other than as defined by this Chapter.

7-11-4 FACILITIES. No massage therapy clinic shall be allowed to operate unless the clinic complies with each of the following minimum requirements.

(A) Adequate private dressing and toilet facilities shall be provided for clients.

(B) All walls, ceilings, floors, steam rooms and other physical facilities in the massage therapy clinic shall be kept in good repair and maintained in a clean and sanitary condition.

(C) Clean and sanitary towels and linens shall be provided for each client receiving massage services. No common use of towels or linens shall be permitted.

(D) Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the Building Code of the Village.

(E) All massage tables, bathtubs, shower stalls, steam or bath areas, and floors shall have surfaces which may be readily disinfected.

(F) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Those non-disposable instruments and materials shall be disinfected after use on each patron.

(G) Adequate and sanitary storage shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage area.

(H) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels.

7-11-5 OPERATING REQUIREMENTS.

(A) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(C) Massage therapists shall be clean and wear clean, non-transparent outer garments. Adequate private dressing and toilet facilities must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.

(D) All massage therapy clinics shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(E) The sexual or genital area of patrons must be covered by towels, cloths or undergarments.

(F) It shall be unlawful for any person knowingly, in a massage therapy clinic, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner or to massage the genital area of any other person.

(G) No massage therapist, employee or operator shall perform, offer or agree to perform any act which would require the touching of the patron's genital area.

(H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam and vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(I) Oils, creams, lotions or other preparation used in administering massages shall be kept in clean, closed containers or cabinets.

(J) Eating in the massage work areas shall not be permitted. Animals, except for service dogs, shall not be permitted in the massage work areas.

(K) No massage therapist shall administer a massage to a patron exhibiting any skin fungus, skin infection or skin disease unless a physician duly licensed by the state certifies in writing that such person may be safely massaged, prescribing the conditions thereof.

(L) Massage therapists shall wash their hands in hot running water, using a proper soap or disinfectant before administering a massage to each person.

7-11-6 INSPECTIONS. The Village has the right to enter the premises at any time to conduct an inspection of each massage therapy clinic for the purpose of determining that the provisions of this Chapter are met.

The penalty for violation of this Chapter shall be as provided in **Section 1-1-20** of this Code.

7-12-01 For the purpose of this Article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SPECIAL EVENT. Any outdoor seasonal event such as a tent sale, warehouse sale, sidewalk sale, craft fair, carnival, picnic, contest, game, sporting event, rodeo, 5K run, produce stand, Christmas tree sales lot, tropical snow stand or similar promotion event. A SEPCIAL EVENT may not exceed six months in duration per calendar year.

7-12-02 Special events, as defined in Section 07-12-01, shall require a special events permit.

(A) An application for a special events permit must be filed with the Village Clerk not less than three weeks prior to the first day of the special event. The Village Clerk will coordinate review of the permit with affected departments. Cost for the permit issuance is \$50 for "for profit" applicants. There will no permit charge for non-profit organizations. Proof shall be provided of non-profit status.

(B) With each special events permit application, the applicant must also provide the following related information (if applicable):

(1) Traffic and parking plan (parking area; street closing or one-way restrictions; traffic control points where police assistance may be needed; overflow parking areas); anticipated crowds; estimated attendance;

(2) Contingency plans for rain (relocation or rescheduling of events; alternative parking areas; method of notifying the public of changes);

(3) Proof of liability insurance; and if the event is held on Village property, the Village should be named as an additional insured in the amount of \$1,000,000;

(4) Damage bond or cash deposit to protect Village facilities (this would be mainly for out-of-town sponsors) in the amount of \$500,000;

(5) Health permits for all food concessions;

(6) Liquor license information for beer sales (including hours of sale);

(7) Plans for toilet facilities;

(8) A list of for-profit vendors and sales tax numbers (to verify that sales tax is collected and remitted) to be provided prior to event;

(9) A security plan;

(10) ADA compliance

- (11) The name and phone number of the person in charge of the event and a secondary contact; and
 - (12) Special consideration requests, i.e., Village-provided assistance requested (Street Department, IDOT) (for street closings, signalization and detour routes), Parks Department, Police, Fire and EMS support), being as specific as possible (fees may be charged for these services).
- (C) Temporary signs for said special event shall be permitted as provided for in the sign ordinance of the Village or as otherwise approved by the Village Board
- (D) Electrical inspections are required for all exterior electrical connections. The Zoning Administrator must be contacted a minimum of 24 hours prior top inspection.

7-12-03

- (A) *Approval by the Village Board* Upon submission of all required documentation and fees, the Special Event Permit request will be reviewed by the Village Board for approval.

The Board authorizes the appropriate personnel to take any and all actions reasonably necessary to carry out the provisions of this ordinance.

(Ord. No. 2022-10; 07-06-22)

APPENDIX "A"

BUSINESS LICENSE FEE SCHEDULE

(A)	Food Dealers	
1.	Food dealers, grocery, fruit and vegetable stores, markets, delicatessens, dairy stores, bakeries and food and frozen lockers	\$50.00
2.	Ice cream, soft drinks and candy stores	50.00
3.	Restaurants	50.00
4.	Each candy or food vending, soda, cigarette vending and juke box machines	25.00
(B)	Amusements	
1.	Circuses, carnivals and similar exhibits, per day	50.00
2.	Pool rooms, for each pool table and pin ball machine	25.00
3.	Theatres	100.00
4.	Electronic arcade games, dart boards, per game	25.00
5.	State Regulated Electronic video gambling, per machine (liquor license required)	25.00
(C)	Mercantile Establishments	
1.	Auctioneers, per year	100.00
	Or in the alternative, for each day of operation, whichever is less	25.00
2.	Lumber dealers	50.00
3.	Lumber and/or building materials dealers combined	100.00
4.	Dry cleaning establishments	50.00
5.	Florists, including growing of plants for sale	50.00
6.	Gasoline and oil wholesale bulk plants	100.00
7.	Heating and cooling contractors	50.00
8.	Salvage dealer with one tow truck	150.00
	For each additional tow truck	75.00
9.	Scrap hauler	50.00
10.	Laundromats	100.00
11.	Machine and blacksmith shops employing five (5) persons or less	50.00
12.	Paint/oil/solvent dealers selling the same in sealed containers or in bulk	50.00
13.	Paint and oil dealers selling in containers only	35.00
14.	Secondhand stores	100.00
15.	Trash haulers	100.00
16.	Funeral homes	100.00
17.	Warehouse and storage plants	100.00
18.	Woodworking shops	50.00
19.	Welding shops	50.00
20.	Banks, savings and loan associations, and other financial institutions	100.00
21.	Newsdealers/distributors	35.00
22.	Hotels and motels per unit	15.00
	For the purposes herein, a "unit" is defined as a room to be rented or leased for the purposes of living quarters and/or hotel or motel accommodations	
23.	Retailers of clothing, shoes, department type, hardware and sporting goods (or any combination thereof)	50.00
24.	Yard/Garage Sales (Only 3 allowed per year)	5.00
25.	Cleaning services	50.00
26.	Billboards	1,000.00

27. Commercial self-storage facilities: \$2.50 per unit with a maximum of \$250.00 paid annually per license for those without outside storage and a maximum of \$350.00 paid annually per license for those with outside storage. For the purposes herein, a "unit" is defined as a separate compartment or space that either is an individual area bounded on all sides or may be separated from other units by dividing walls and is intended to be rented or leased to persons and/or businesses for the storage of their personal property.
28. Lawn Care 50.00
- (D) Vehicle Related
- | | | |
|-----|---|--------|
| 1. | Motor vehicle repair shop, including gasoline and oil sales | 50.00 |
| 2. | Gasoline filling stations and allied services | 50.00 |
| 3. | Motor vehicle repair shop only | 50.00 |
| 4. | Gasoline wholesale bulk plants | 100.00 |
| 5. | Taxicabs, for each cab | 25.00 |
| 6. | Body shops | 50.00 |
| 7. | Car dealers, new and used | 100.00 |
| 8. | Bus companies, leasing and repairing | 75.00 |
| 9. | Towing services | 50.00 |
| 10. | Ambulance service | 50.00 |
| 11. | Car washes | 100.00 |
| 12. | Trucking, hauling and excavation operations | 50.00 |
| 13. | Lawn Services | 50.00 |
- (E) General Business
- | | | |
|----|--|-------|
| 1. | General business not provided for herein | 50.00 |
|----|--|-------|
- (F) Multiple Businesses
1. Any person engaged in multiple businesses in the same location shall pay a license fee on the main activity conducted at the location, and in lieu of an additional license fee, shall pay the sum of Fifty Dollars (\$50.00) for each additional licensed activity; provided however, that this shall not apply to license fees for vending machines or electronic games of chance and a full license fee shall be paid on those licenses.

(Ord. No. 1104; 04-21-10)

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
<i>I</i>	<i>WASTE HAULING BUSINESSES</i>	
	<i>Section 16-1-1 - Waste Hauler Defined</i>	<i>16-1</i>
	<i>Section 16-1-2 - License Required</i>	<i>16-1</i>
	<i>Section 16-1-3 - Issuance of Licenses</i>	<i>16-1</i>
	<i>Section 16-1-4 - Fee</i>	<i>16-1</i>
	<i>Section 16-1-5 - Curbside Recycling</i>	<i>16-1</i>
	<i>Section 16-1-6 - Optional Service</i>	<i>16-1</i>
	<i>Section 16-1-7 - Administration</i>	<i>16-1</i>
	<i>Section 16-1-8 - Complaints</i>	<i>16-1</i>
	<i>Section 16-1-9 - Waste Hauler Vehicles to be Secure and Equipped with Cover</i>	<i>16-1</i>
	<i>Section 16-1-10 - Vehicle Standards</i>	<i>16-2</i>
	<i>Section 16-1-11 - Hours of Operation</i>	<i>16-2</i>
	<i>Section 16-1-12 - Nuisances</i>	<i>16-2</i>
	<i>Section 16-1-13 - Insurance</i>	<i>16-2</i>
	<i>Section 16-1-14 - Revocation</i>	<i>16-2</i>

CHAPTER 16

HEALTH CODE

ARTICLE I – WASTE HAULING BUSINESSES

16-1-1 **WASTE HAULER DEFINED.** For purpose of this Article, the words “Waste Hauler” mean any person or firm engaged in the business of collecting, transporting and imposing of residential, commercial, industrial and miscellaneous garbage, ashes, refuse, recyclable and waste materials of all kinds.

16-1-2 **LICENSE REQUIRED.** No person or firm shall engage in the business of waste hauling in the Village without first having obtained a Waste Hauler License from the Village. No Waste Hauler shall be denied said license if all the requirements of this Article are met.

16-1-3 **ISSUANCE OF LICENSES.** Waste Hauler Licenses shall be issued annually in the Village by the Village Clerk. Waste Haulers engaged in both residential and/or commercial service shall fall under the jurisdiction of this Article.

16-1-4 **FEE.** The annual fee for a Waste Hauler License shall be **One Hundred Dollars (\$100.00)**.

16-1-5 **CURBSIDE RECYCLING.** Waste Haulers providing service to one and two family residential dwellings shall be required to offer collection of recyclable items from the curbside along with other garbage and refuse. Recyclable items shall be collected from bins provided to each one and two family residence by the Waste Hauler except in cases where bins are provided by the Waste Hauler.

16-1-6 **OPTIONAL SERVICE.** Waste Haulers providing service to one and two family dwellings shall be required to offer the option of disposing of yard waste and/or bulk items such as furniture, appliances, playground equipment, yard furniture and similar items except for bulk items which, per the provisions of county, state or federal law, are prohibited from disposal in landfills.

16-1-7 **ADMINISTRATION.** The Mayor shall be empowered to implement and carry out all aspects of the administration of this Article.

16-1-8 **COMPLAINTS.** Waste Haulers shall provide the Village with a telephone number and other necessary information such as contact persons for customers to utilize and be referred to regarding complaints or inquiries about waste hauler service. Waste Haulers shall also be required to provide customers with this information.

16-1-9 **WASTE HAULER VEHICLES TO BE SECURE AND EQUIPPED WITH COVER.** All vehicles used by the Waste Hauler in the waste hauler business shall be equipped in such a manner that all materials collected shall be totally enclosed or covered except when the materials are to be loaded from the customer pick-up point into the vehicle.

16-1-10 **VEHICLE STANDARDS.** All vehicles used by the Waste Hauler when conducting business within the Village shall be required to meet federal, state, county and local safety standards.

16-1-11 **HOURS OF OPERATION.** All Waste Haulers shall restrict their normal hours of operation to weekdays between **6:00 A.M.** and **7:00 P.M.**, but may exercise a waiver from these hours in case of impassable streets, natural disaster or other extenuating circumstances beyond the control of the Waste Hauler. Waste Haulers may exercise the option of providing service to commercial and industrial customers on Saturdays during the same hours.

16-1-12 **NUISANCES.** Waste Haulers shall be required to avoid creating nuisances in the Village such as making excessive noise, soiling pavement and/or property with residue, remaining in one place to compact materials for an undue length of time and any other situations or actions which would cause public health, safety, welfare and comfort to be in jeopardy.

16-1-13 **INSURANCE.** The Waste Hauler shall maintain general liability and automobile liability in the amount of not less than **One Million Dollars (\$1,000,000.00)** combined single limit. The Waste Hauler is further required to provide the Village with proof of Illinois Workmen's Compensation coverage for the benefit of the Waste Hauler's employees. The Waste Hauler shall cause the Village to be named as an additional insured under the policies. By means of a Certificate, insurance shall be filed with the Village at least **two (2) weeks** prior to the commencement of the services under the license. Such policy shall not permit termination or modification without at least **thirty (30) days** prior written notice from the Underwriter to the Village. A new Certificate of Insurance shall be filed with the Village Clerk, at least **thirty (30) days** prior to the expiration or termination of an existing policy of insurance. The Waste Hauler shall defend, save and hold the Village harmless from and indemnify the Village against any and all losses, claims, suits or causes of action of any kind or nature whatsoever arising out of or in connection with the ownership, maintenance, use, operation or control of any vehicle owned, operated, maintained or controlled by the Waste Hauler.

16-1-14 **REVOCATION.** The Village may revoke any Waste Hauler's license issued under this Article if the licensee has violated any of the regulations presented herein or any provisions of any agreements tendered by the Village and the Waste Hauler holding the Waste Hauler License. Notice of such revocation shall be given to the licensee by personal delivery to the licensee or by certified mail addressed to the licensee. The licensee shall be entitled to a hearing before a Village Board of Trustees to be determined by the Mayor to be the most appropriate in connection with the revocation action provided the licensee makes written demand for such a hearing within **five (5) days** after having received notice of such revocation. A hearing demanded by the licensee under this Section shall take place within **fifteen (15) days** after the demand for hearing has been filed with the Village Clerk. Whenever such demand has been made by the licensee, the licensee shall be permitted to continue waste hauler operations in the Village during the time that such hearing on the revocation is pending. Any license revocation action or decisions recommended as a result of such hearing shall be subject to the review and approval of the Village Board of Trustees. The Village reserves the right to order the immediate cessation of waste hauler service in cases where the Mayor has determined continued operation of such service to create danger to the health, safety and welfare of the public.

(Ord. No. 829; 07-17-96)

LABOR CONTRACTS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
<i>I</i>	<i>PATROL OFFICERS AND SERGEANTS</i>	
	<i>Section 19-1-1 - F.O.P. Lodge #139 Contract</i>	<i>19-1</i>
<i>II</i>	<i>PUBLIC WORKS DEPARTMENT</i>	
	<i>Section 19-2-1 - Public Works Department Agreement</i>	<i>19-1</i>
<i>III</i>	<i>VILLAGE EMPLOYEES</i>	
	<i>Section 19-3-1 - Village Employees and International Brotherhood of Teamsters Local 50</i>	<i>19-1</i>
	<i>Appendix "A" - F.O.P. Lodge #139 – Patrol Officers and Sergeants Contract</i>	<i>A-1</i>
	<i>Appendix "B" - Village of Caseyville (Public Works Department) Agreement</i>	<i>B-1</i>
	<i>Appendix "C" - Teamsters, Automotive, Petroleum and Allied Trades Local Union No. 50</i>	<i>C-1</i>

CHAPTER 19

LABOR CONTRACTS

ARTICLE I – PATROL OFFICERS AND SERGEANTS

19-1-1 **F.O.P. LODGE #139 CONTRACT.** The labor contract between the Village of Caseyville and the Illinois Fraternal Order of Police Labor Council Lodge #139 is herein included in **Appendix "A"** by reference. **(April, 2014)**

ARTICLE II – PUBLIC WORKS DEPARTMENT

19-2-1 **PUBLIC WORKS DEPARTMENT AGREEMENT.** The labor contract by and between the Village of Caseyville (Public Works Department) and the International Hodcarriers, Building & Common Laborer's Union of America, Local No. 100 is herein included in **Appendix "B"** by reference. **(October 15, 2014)**

ARTICLE III – VILLAGE EMPLOYEES

19-3-1 **VILLAGE EMPLOYEES AND INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 50.** The labor contract between the Village of Caseyville and Teamsters Local #50 is herein included in **Appendix "C"** by reference. **(February 25, 2014)**

APPENDIX "A"

ILLINOIS FOP LABOR COUNCIL AND VILLAGE OF CASEYVILLE

F.O.P. LODGE #139 PATROL OFFICERS AND SERGEANTS CONTRACT

June 1, 2013 through May 31, 2016

ARTICLE I - PREAMBLE

This Agreement is entered into by and between the Village of Caseyville, an Illinois municipal corporation (herein referred to as "EMPLOYER"), and the Illinois Fraternal Order of Police Labor Council, Caseyville Lodge #139, (hereinafter referred to as the "LODGE").

The purpose of this Agreement is to provide an orderly collective bargaining relationship between the Employer and the Lodge representing the employees in the bargaining unit, and to make clear the basic terms upon which such relationship depends. It is the intent of both the Employer and the Lodge to work together to provide and maintain satisfactory terms and conditions of employment, and to prevent as well as to adjust misunderstandings and grievances relating to employees' wages, hours and working conditions.

In consideration of mutual promises, covenants, and Agreement contained herein, the parties hereto, by their duly authorized representative and/or agent, do mutually covenant and agree as follows:

ARTICLE II – RECOGNITION

The Employer hereby recognizes the Lodge as the sole and exclusive collective bargaining representative for the purpose of collective bargaining on any and all matters relating to wages, hours, and all other terms and conditions of employment of all officers in the bargaining unit.

The bargaining unit shall include:

INCLUDED: All full-time police officers under the rank of Chief

EXCLUDED: The Chief of Police and other employees as defined in the Illinois Public Labor Relations Act

ARTICLE III – NON-DISCRIMINATION

Section 1. Equal Employment Opportunity. The Employer will continue to provide equal employment opportunity for all officers, and develop and apply equal employment practices.

Section 2. Non-Discrimination. The Employer shall not discriminate against officers, and employment-related decisions will be based upon qualifications and predicted performance in a given position without regard to race, color, sex, age, religion, or national origin of the officer; nor shall the Employer or the Lodge discriminate against officers as a result of activities on behalf of the Lodge or membership in the Lodge, or the exercise of constitutional rights. The Employer agrees to comply with all applicable laws. Officers shall not be transferred, assigned, or re-assigned or have any of their duties

changed for reasons prohibited by this Section. Alleged claims of discrimination shall not be processed through the grievance procedure of this Agreement, but rather shall be processed through the appropriate federal, state and/or local agencies.

Section 3. Use of Masculine Pronoun. The use of the masculine pronoun in this or any other document is understood to be for clerical convenience only, and it is further understood that the masculine pronoun includes the feminine pronoun as well.

ARTICLE IV – MANAGEMENT RIGHTS

The Employer may exercise the following rights provided that no right is exercised contrary to or inconsistent with other terms of this Agreement.

- (a) To determine the organization and operations of the Police Department.
- (b) To determine and change the purpose, composition and function of each of its constituent departments and subdivisions.
- (c) To set standards for services to be offered to the public.
- (d) To determine the overall budget.
- (e) To create an organizational structure.
- (f) To select new employees, determine examination techniques for new employees and to direct the officers of the Police Department, including the right to assign work and overtime.
- (g) To suspend, demote, discharge and take other disciplinary action from relief from duty any officer for just cause, in accordance with the guidelines of the Board of Fire and Police Commissioners.
- (h) To establish, implement, and maintain an effective internal control program.

ARTICLE V – NO STRIKE

Section 1. No Strike Commitment. Neither the Lodge nor any officer will call, initiate, authorize, participate in, sanction, encourage, or ratify any work stoppage or the concerted interference with the full, faithful, and proper performance of the duties of employment with the Employer during the term of this Agreement. Neither the Lodge nor any officer shall refuse to cross any picket line, by whomever established.

Section 2. Resumption of Operations. In the event of action prohibited by Section 1 above, the Lodge immediately shall disavow such action and request the officer to return to work, and shall use its best efforts to achieve a prompt resumption of normal operations. The Lodge, including its officials and agents, shall not be liable for any damages, direct or indirect, upon complying with the requirements of this Section.

Section 3. Lodge Liability. Upon the failure of the Lodge to comply with the provisions of Section 2 above, any agent or official of the Lodge who is an officer covered by this Agreement may be subject to the provisions of Section 4 below.

Section 4. Discipline of Strikers. Any officer who violates the provisions of Section 1 of this Article shall be subject to immediate discharge. Any action taken by the Employer against any officer who participates in action prohibited by Section 1 above shall not be subject to the provisions of the grievance procedure, except that the issue of whether an officer in fact participated in a prohibited action shall be subject to the grievance and arbitration procedure.

ARTICLE VI – RESOLUTION OF IMPASSE

The resolution of any bargaining impasse shall be in accordance with the Illinois Public Labor Relations Act, as amended. **(5 ILCS 315/14)**

The Employer and Lodge agree that any arbitration hearings shall be held in Caseyville, Illinois, unless both parties agree otherwise.

ARTICLE VII – BILL OF RIGHTS

If the inquiry, investigation, or interrogation of a law enforcement officer results in the recommendation of some action, such as transfer, suspension, dismissal, loss of pay, reassignment, or similar action which would be considered a punitive measure, then, before taking such action, the Employer shall follow the procedures set forth in **50 ILCS 725/1**. The law enforcement officer may be relieved of duty pending formal hearing and shall receive all ordinary pay and benefits as he would have if he were not charged. The officer shall have the right to be represented at such inquiries, investigations, or interrogations by a Lodge representative and/or legal Counsel.

ARTICLE VIII – DISPUTE RESOLUTION AND GRIEVANCE PROCEDURE

Section 1. Definition of a Grievance. A grievance is defined as any unresolved difference between the Employer and the Lodge or any employee covered by this Agreement regarding the application, meaning or interpretation of this Agreement. This grievance procedure is subject to and shall not conflict with any provisions of the Illinois Public Labor Relations Act.

Section 2. Dispute Resolution. In the interest of resolving disputes at the earliest possible time, it is agreed that an attempt to resolve a dispute shall be made between the employee and his immediate supervisor.

The employee shall make his complaint to his immediate supervisor. The supervisor will notify the employee of the decision within **two (2) working days** following the day when the complaint was made. Settlements or withdrawals at this step shall not constitute a precedent in the handling of other grievances. In the event of a complaint, the employee shall first complete his assigned work task, and complain later, unless the employee reasonably believes that the assignment endangers his safety.

Disputes over discipline (including discharge disputes) may be appealed by the employee either through the grievance procedure, or through the Fire and Police Board, but not through both.

Section 3. Representation. Grievances may be processed by the Lodge on behalf of an employee or on behalf of a group of employees. The Employer may file contract grievances directly at Step 3, Section 8 of this Article. Either party may have the grievant or one grievant, representing group grievances, present at any Step of the Grievance procedure, and the employee is entitled to Lodge representation at each and every step of the grievance procedure upon his request.

Grievances may be filed on behalf of **two (2)** or more employees only if the same facts, issues, and requested remedy apply to all employees in the group.

Section 4. Subject Matter. Only one subject matter shall be covered in any one grievance. A grievance shall contain a statement of the grievant's position, the Article, and Section of the Agreement allegedly violated, the date of the alleged violation, the relief sought, and the signature of the grieving employee(s) and the date.

Section 5. Time Limitation. Grievances may be withdrawn at any step of the grievance procedure without precedent. Grievances not appealed within the designated time limits will be treated as withdrawn grievances.

The Employer's failure to respond within the time limits shall not find in favor of the grievant, but shall automatically advance the grievance to the next step, except Step 3. Time limits may be extended by mutual agreement.

Section 6. Grievance Processing. No employee or Lodge representative shall leave his work assignment to investigate, file or process grievances without first making mutual arrangements with his supervisor, and mutual arrangements shall not be denied unreasonably. In the event of a grievance, the employee shall always perform his assigned work task and grieve his complaint later, unless the employee reasonably believes that the assignment endangers his safety.

Section 7. Grievance Meetings. A maximum of **two (2) employees** (the grievant and/or Lodge Rep) per work shift shall be excused from work with pay to participate in a Step 1 or Step 2 grievance meeting. The employee(s) shall only be excused for the amount of time reasonably required to present the grievance. The employee(s) shall not be paid for any time during which a grievance meeting occurs outside of the employee's work shift. In the event of a grievance, the employee shall first perform his assigned work task and file his grievance later.

Section 8. Steps in Procedure. Disputes arising under this Agreement shall be resolved as follows:

Step 1. If no agreement is reached between the employee and the supervisor, as provided for in Section 2 – Dispute Resolution, the Lodge shall prepare a written grievance on a form mutually agreed to and presented to the Chief of Police no later than **ten (10) working days** after the employee was notified of the decision by the supervisor. Within **five (5) working days** after the grievance has been submitted, the Chief of Police shall meet with the grievant and the Lodge Rep to discuss the grievance and make a good faith attempt to resolve the grievance. The Chief shall respond in writing to the grievant and the Lodge Rep within **five (5) working days** following the meeting.

Step 2. If the grievance is not settled at Step 1 the grievance may be referred in writing, within **five (5) working days** after the decision of the Chief of Police, to the Board of Trustees. Within **twenty (20) working days** after the grievance has been filed with the Board, the Board shall meet with the Lodge and the grievant to discuss the grievance and make a good faith effort to resolve the grievance. The Board shall respond in writing to the grievant and the Lodge within **five (5) working days** following the meeting.

Step 3. If the dispute is not settled at Step 2, the matter may be submitted by the Lodge to arbitration within **ten (10) working days** after the Board's written decision or the expiration of the **five (5) day** period if the Board fails to render a written decision. Within **ten (10) working days** after the matter has been submitted to arbitration, the Employer and the Lodge shall each appoint a representative to the arbitration panel. The two arbitrators shall in turn, by mutual agreement, select a third arbitrator to serve as chairman of the arbitration panel. In the event the two arbitrators are unable to agree upon the third arbitrator, they shall obtain a list of recognized arbitrators from an organization that is recognized as providing such lists, such as the Federal Mediation and Conciliation Service or the American Arbitration Association. Upon receipt of such list, each party shall strike a name from the list, until there is one name remaining. The remaining individual shall be the third party and the chairman of the panel. The order of striking names shall be determined by a coin toss.

Both parties agree to make a good faith attempt to arrive at a joint statement of facts and issues to be submitted to the arbitrator.

The Employer or Lodge shall have the right to request the panel to require the presence of witnesses and/or documents. Each party shall bear the expense of its witnesses.

Once a determination is made that the matter is arbitrable or if such preliminary determination cannot be reasonably made, the arbitration panel shall then proceed to determine the merits of the dispute.

The expenses and fees of arbitration and the cost of the hearing room shall be shared equally by the parties. Costs of arbitration shall include the panel chairman's fees, room cost, and transcription costs. Nothing in this Article shall preclude the parties from agreeing to use the expedited arbitration procedures of the American Arbitration Association. The decision and award of the arbitration panel shall be made within **forty-five (45) days** following the hearing and shall be final and binding on the Employer, the Lodge and the employee(s) involved. The arbitrator shall have no power to amend, modify, nullify, ignore, add to or subtract from the provisions of the Agreement.

ARTICLE IX – LABOR MANAGEMENT CONFERENCES

Section 1. Meetings. The Lodge and the Employer mutually agree that in the interest of efficient management and harmonious employee relations, it is desirable that meetings be held between Lodge representatives and responsible administrative representatives of the Employer. Such meetings may be requested at least **seven (7) days** in advance by either party by placing in writing a request to the other for a "labor-management" conference and expressly providing the agenda for such meeting. Such notice may be waived by mutual consent of the parties. Such meetings and locations shall be limited to:

- (a) Discussion on the implementation and general administration of this Agreement.
- (b) A sharing of general information of interest to the parties.
- (c) Notifying the Lodge of changes in non-bargaining conditions of employment contemplated by the Employer which may affect employees.
- (d) Discussion of pending grievances on a non-binding basis to attempt to adjust such grievances and to discuss procedures for avoiding future grievances.
- (e) Items concerning safety issues.

The Employer and the Lodge agree to cooperate with each other in matters of the administration of this Agreement, and to the degree that standards of law enforcement can be effectuated for the maximum protection of the citizens of the State of Illinois. To effectuate the purposes and intent of the parties, both parties agree to meet as necessary.

Section 2. Exclusivity. It is expressly understood and agreed that such meetings shall be exclusive of the grievance procedure. Grievances being processed under the grievance procedure shall not be discussed in detail at labor-management conferences, and any such discussions of a pending grievance shall be non-binding on either party and solely for the purpose of exploring alternatives to settle such grievances and such grievance discussion shall only be held by mutual agreement of the Employer and the Lodge, nor shall negotiations for the purpose of altering any or all of the terms of this Agreement be carried on at such meetings.

Section 3. Attendance. When absence from work is required to attend labor-management conferences, Lodge members shall, before leaving their work station, give reasonable notice to and receive approval from, their supervisor in order to remain in pay status. Supervisors shall approve the absence except in emergency situations. Lodge members attending such conferences shall be limited to **two (2)**. Travel expenses associated with any "labor-management conferences" shall be the responsibility of the employee.

Section 4. Safety Issues. Any report or recommendation which may be prepared by the Lodge or the Employer as a direct result of a labor-management conference discussion will be in writing and copies shall be submitted to the Employer and the Lodge.

ARTICLE X – LAY-OFF

Where there is an impending lay-off with respect to the officers in the bargaining unit, the Employer shall inform the Lodge in writing no later than **thirty (30) days** prior to such lay-off, and lay-offs may be initiated by the Employer only where there are insufficient funds to pay the employees in the bargaining unit. The Employer will provide the Lodge with the names of the officers to be laid off prior to the lay-off. Probationary employees, temporary and part-time employees shall be laid off first, then officers shall be laid off in accordance with their seniority. The officers with the least amount of seniority shall be laid off first. All officers shall receive notice in writing of the lay-off at least **thirty (30) days** in advance of the effective date of such lay-offs.

No employee will be hired to perform or permitted to perform those duties normally performed by an officer while any officer is on lay-off status.

Any officer who has been laid off shall be placed on the appropriate reinstatement list and shall be recalled on the basis of seniority in the Police Department.

If a lay-off occurs pursuant to this Article, officers affected shall be given first option for any reduced hours normally allotted to part-time employees.

ARTICLE XI – MAINTENANCE OF STANDARDS

All economic benefits and work practices which are not set forth in this Agreement and are currently in effect shall continue and remain in effect for the term of this Agreement.

ARTICLE XII – EMPLOYMENT SECURITY AND PERSONNEL FILES

Section 1. Just Cause Standard. No officer covered by this Agreement shall be suspended, relieved from duty, disciplined in any manner, or separated without just cause.

Section 2. Personnel Files. The Employer shall keep a central personnel file within the bargaining unit for each employee. The Employer is free to keep working files, but material not maintained in the central personnel file may not provide the basis for disciplinary or other action against an employee.

Section 3. Inspection. Upon request of an employee, the Employer shall reasonably permit an employee to inspect his personnel file subject to the following:

- (a) Such inspection shall occur immediately following receipt of the request providing such inspection does not disrupt the orderly function of the department.
- (b) The employee shall not be permitted to remove any part of the personnel file from the premises but may obtain copies of any information contained therein upon payment for the cost of copying.
- (c) Such inspection shall occur during daytime working hours Monday through Friday upon reasonable request.
- (d) Upon written authorization by the requesting employee, in cases where such employee has a written grievance pending, and is inspecting his file with respect to such grievance, that employee may have a representative of the Lodge present during such inspection and/or may designate in such written authorization that said representative may inspect his personnel file subject to the procedures contained in this Article.
- (e) Pre-employment information, such as reference reports, credit checks or information provided the Employer with a specific request that it remain confidential shall not be made part of the personnel file.

Section 4. Notification and Reply. Employees shall be given immediate notice by Employer when a formal, written warning or other disciplinary documentation is permanently placed in their personnel file. A copy of the written warning or disciplinary documentation shall be delivered to the employee, at which time the employee may prepare a written reply to the written warning or disciplinary documentation. The written reply shall be permanently attached to the written warning or other disciplinary documentation prior to placement in the personnel file. Upon receipt of such copy, the employee shall acknowledge such receipt by initialing and dating the original.

Section 5. Employee Additions to Personnel File. An employee may submit with supervisory approval, documents to become a permanent part of the personnel file. Such documents shall include, but not be limited to, certificates of special training, letters of commendation, documentation of accomplishment, or other material that would be favorable to the officer's interests.

ARTICLE XIII – HOURS AND OVERTIME

Section 1. Work Day and Work Schedule Cycle. The normal work schedule cycle for each officer, including any Detective and special assignment officer if the Village chooses to have them, shall consist of **eighty-four (84) hours** in a **fourteen (14) day** pay period. The work day shall consist of **two (2)** work shifts (Day Shift and Night Shift) of **twelve (12) consecutive hours** each and have regular starting and quitting times. The work schedule cycle shall consist of the following: **two (2) consecutive work days**, followed by **two (2) consecutive days off**, followed by **two (2) work days; three (3) consecutive work days**, followed by **two (2) consecutive days off; two (2) consecutive work days**, followed by **three (3) consecutive days off**; and then the schedule repeats itself. The definition of the normal work day and work schedule cycle may be changed by mutual agreement between the Employer and the Labor Council. If the Village chooses to have a Detective, then the normal work schedule cycle for the Detective shall consist of **eighty (80) hours** in a **fourteen (14) day** pay period. If the Village so chooses to have an officer on special assignment, then the normal work schedule cycle for the officer on special assignment shall consist of **eighty (80) hours** in a **fourteen (14) day** pay period.

Each employee shall be allowed a **thirty (30) minute** meal break per tour of duty. This meal period shall be considered out of service time during which the employee will be subject only to priority calls.

Employees will be allowed to take periodic coffee breaks as long as they are not out of service and properly perform their assignments.

All time worked in excess of the hours worked in the normal work day and the normal work week shall be compensated as in Section 2.

Section 2. Overtime Payment. Employees will receive pay at time and one-half rate after working more than **twelve (12) hours** on a shift or after working **eighty (80) hours** in the **fourteen (14) day** pay period. Compensatory time may be paid in lieu of overtime payment if the employee in his discretion so elects. Compensatory time will be calculated at the same rate as overtime pay. Overtime rate shall be computed on the basis of completed **fifteen (15) minute** segments.

Comp time may be accrued and carried to a level of **one hundred twenty (120) hours**. Comp time shall be granted at such times and in such time logs as are mutually agreed upon between the involved officer and a supervisor, including up to **forty (40) hours** at one time. The permission to use comp time must be approved by the Chief of Police or his designee. Such permission to use comp time shall not be unreasonably denied by the Chief of Police or his designee if operational requirements will not be adversely affected. Comp time shall be granted in blocks of that officer's normal tour of duty.

In the event an emergency is declared by the Employer, as many of the employees shall be continued on duty for such number of hours as may be necessary.

Section 3. Call-Back. A call-back is defined as an official assignment of work which does not continuously precede or follow an officer's regularly scheduled working hours. Employees reporting back to the Employer's premises at a specified time on a regularly scheduled work day shall be compensated for **two (2) hours** at the appropriate overtime rate or be compensated for the actual time worked, whichever is greater, at the overtime rate.

Section 4. Court Time. Employees covered by this Agreement, required to attend court outside their regularly scheduled work hours shall be compensated at the overtime rate with a minimum of **two (2) hours**. Court time shall include stand-by time during which an officer is required to remain at a known address and telephone awaiting a court appearance.

Section 5. Daylight Savings Time. Personnel who work the shift at daylight savings change over resulting in **nine (9) hours** work, although clock elapsed time reflects only **eight (8) hours** work shall receive pay for the **one (1) additional hour** of work. During the daylight savings change over which results in only **seven (7) hours** of work during a clock elapsed time of **eight (8) hours**, personnel shall receive **eight (8) hours** pay. It is agreed that the evaluation required by this Article will be made no later than **November 15th** of each year.

ARTICLE XIV – INDEMNIFICATION

Section 1. Employer Responsibility. The Employer shall be responsible for, hold officers harmless from and pay damages or monies which may be adjudged, assessed or otherwise levied against any officer covered by this Agreement.

Section 2. Legal Representation. Officers shall have legal representation by the Employer in any civil cause of action brought against an officer resulting from or arising out of the performance of duties. Employees shall be permitted to choose such legal counsel, subject to approval by the Employer.

Section 3. Cooperation. Officers shall be required to cooperate with the Employer during the course of the investigation, administration or litigation of any claim arising under this Article.

Section 4. Applicability. The Employer will provide the protections set forth in Section 1 and Section 2 above so long as the officer is acting within the scope of his employment and where the officer cooperates, as defined in Section 3, with the Employer in defense of the action or actions or claims. Acts of willful misconduct are not covered by this Article.

ARTICLE XV – SENIORITY

Section 1. Definition of Seniority. As used herein, the term "seniority" shall refer to and be defined as the continuous length of service or employment covered by this Agreement from date of last hire.

Section 2. Promotion. Seniority shall be considered in the promotion of officers covered by this Agreement. All promotional examinations shall be job-related.

Section 3. Seniority List. The Employer shall prepare a list setting forth the present seniority dates for all officers covered by this Agreement and shall become effective on or after the date of execution of this Agreement. Such lists shall finally resolve all questions of seniority affecting officers covered under this Agreement or employed at the time the Agreement becomes effective. Disputes as to seniority listing shall be resolved through the grievance procedure.

Section 4. Personal Day Selection. Any dispute within a job classification as to the selection of a personal day shall be resolved by seniority.

Section 5. Termination of Seniority. An employee shall be terminated by the Employer and his seniority broken when he:

- (a) quits; or
- (b) is discharged for just cause; or
- (c) is laid off pursuant to the provisions of the applicable agreement for a period of **twenty-four (24) months**; or
- (d) accepts gainful employment while on an approved leave of absence from the Police Department; or
- (e) is absent for **three (3)** consecutive scheduled work days without proper notification or authorization.

Section 6. Seniority Credit. Employees will not continue to accrue seniority credit for all time spent on authorized unpaid leave of absence.

Section 7. Vacation Scheduling. Officers shall select the periods of their annual vacation on the basis of seniority. Vacation schedules may be adjusted to accommodate seasonal operations, significant revision in organization, work assignments or the number of personnel in particular ranks.

Section 8. Shift Assignments. Officers shall express their preference for their shift assignments and days off on the basis of seniority. Shifts may be changed a maximum of **four (4) times** per year. An employee shall have the right to change a workday with another officer upon their mutual agreement, and with the approval of the Chief of Police or his designee.

ARTICLE XVI – F.O.P. REPRESENTATIVES

For the purposes of administering and enforcing the provisions of this Agreement, the Employer agrees as follows:

Section 1. Attendance at Lodge Meetings. Employees shall be relieved from duty for attendance at local Lodge meetings. The Lodge shall be allowed to hold meetings at facilities owned by the Employer, provided such meetings do not interfere with scheduled work or Department operations. Employees attending such meetings while on duty will be expected to leave such meetings for priority calls.

Subject to the need for orderly scheduling and emergencies, the Employer agrees that elected officials of the State or National Lodge shall be permitted reasonable time off, without loss of pay, to attend general, board or special meetings of the Lodge, provided that at least **forty-eight (48) hours'** notice of such meetings shall be given in writing to the Employer, and provided further that the names of all such officials shall be certified in writing to the Employer.

Section 2. Grievance Procedure. Reasonable time while on duty shall be permitted to Lodge representatives for the purpose of aiding or otherwise representing officers in the handling and processing of grievances or exercising other rights set forth in this Agreement, and such reasonable time shall be without loss of pay.

Section 3. Convention Delegates. Any employee(s) chosen as delegate(s) to an F.O.P. State or National Conference will, upon written application approved by the Lodge and submitted to the Employer with at least **fourteen (14) days'** notice, be given a leave of absence without pay for the period of time required to attend such Conference. This period of time shall not exceed **one (1) week.** The employee may utilize existing vacation or compensatory time in lieu of such unpaid leave, subject to scheduling requirements of the Police Department. Such requests shall not be unreasonably denied.

Section 4. Lodge Negotiating Team. Members designated as being on the Lodge negotiating team who are scheduled to work on a day on which negotiations will occur, shall, for the purpose of attending scheduled negotiations, be excused from their regular duties without loss of pay. If a designated Lodge negotiating team member is in regular day-off status on the day of negotiations, he will not be compensated for attending the session.

ARTICLE XVII – SAFETY ISSUES

No employee shall be required to use any equipment that has been designated by both the Lodge and the Employer as being defective because of a disabling condition unless the disabling condition has been corrected.

When an assigned department vehicle is found to have a disabling defect or is in violation of the law, the officer will notify his supervisor, complete required reports, and follow the supervisor's direction relative to requesting repair, replacement, or the continued operation of said vehicle.

The Employer shall provide sufficient portable radios to outfit all officers during their hours of work. During the term of this agreement, the Employer shall obtain and assign a portable take-home radio compatible with the County 911 system to each Employee covered by this Agreement. The Employer agrees to provide one computer with internet access to be utilized for official Village Police Department purposes only.

The Employer shall take all reasonable steps to protect employees during working hours in the performance of their duties.

ARTICLE XVIII – BULLETIN BOARDS

The Employer shall provide the Lodge with designated space on available bulletin boards, or provide bulletin boards on a reasonable basis, where none are available for purposes of the Lodge.

ARTICLE XIX – LEAVES OF ABSENCE

Section 1. Bereavement Leave/Death in Family. The Employer agrees to provide to the Employee leave without loss of pay as a result of death in the family, as defined in this Article, not to exceed **twenty-four (24) hours**. If extensive travel is required, as determined and approved by the Chief of Police, an additional **sixteen (16) hours** shall be granted.

Section 2. Definition of Family. A member of the immediate family shall be defined to be any officer's mother, father, wife, husband, daughter, or son (including step or adopted), sister or brother (including half or step), father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

Section 3. Military Leave. The Employer will comply with all Federal and State laws regarding employment of military service personnel.

Section 4. Maternity Leave. A leave of absence shall be granted for maternity upon request. Such request must be presented in writing to the officer's immediate supervisor, setting forth a date each leave is to begin, as soon as that date can be determined by the officer and the officer's physician. Upon receiving the physician's report, the Department shall transfer the officer to a suitable position to eliminate possible injury to the fetus and officer. Return to work shall be as soon as reasonable after delivery, as permitted by a signed release by the officer's physician. Such leave may utilize accrued vacation/comp time and sick leave.

Section 5. Injury Leave. An officer who sustains injuries or illness arising out of and in the course of his employment shall be covered by the provisions of **5 ILCS 345/1**. No officer will lose any benefits while injured on duty, and will continue to accumulate all benefits provided by this Agreement. Officers on injury leave may be returned to duty if able to perform the work and placed at the discretion of the Department. Before returning to work, the officer shall be determined by the Employer's physician to be capable to return to work.

Section 6. Sick Leave. All full-time officers covered by this Agreement shall receive **eight (8) hours** of sick leave per month. A maximum of **nine hundred sixty (960) hours** of sick leave may be carried over year-to-year.

The Village agrees to buy back up to **ninety-six (96) hours** of sick leave (after the employee accumulates **nine hundred sixty (960) hours**) at **fifty percent (50%)** of the employee's current base wage rate. The payment shall be made during the first pay period in January.

Officers who retire in accordance with the Downstate Police Pension plan with a minimum of **twenty (20) years** creditable service shall receive payment for **one-half (1/2)** of their accumulated, unused sick leave at the time of retirement. Officers, who leave the department in good standing with less than **twenty (20) years** of service, but more than **five (5) years**, shall receive payment for **one-half (1/2)** of the accumulated, unused sick leave.

Section 7. Catastrophic Leave Bank. Employees shall be allowed to contribute sick leave to bargaining unit employees who have exhausted all accumulated, unused paid leave(s) and are on extended sick leave due to a catastrophic illness or injury. Employees shall make such contributions in

accordance with the form attached to this Agreement as **Exhibit "C"**. It is understood by the parties, that once made, such contributions are irrevocable.

ARTICLE XX – WAGE RATES

Wage rates for the classification covered by this Agreement appear in **Exhibit "A"**.

ARTICLE XXI – WORKING OUT OF CLASSIFICATION

Any officer who is regularly scheduled to work in a position or rank senior to that which he normally holds shall be paid at the rate for the senior position or rank while so acting.

When an officer is required to assume the duties and responsibilities of a rank higher than that which he normally holds for any accumulated total of at least **six (6) months** in any calendar year, he shall be paid the rate for the higher rank for his vacation period with any necessary adjustments to be made at the end of the fiscal year.

ARTICLE XXII – HOLIDAYS

Section 1. The following days shall be recognized and observed as paid holidays:

New Year's Day	Labor Day
Martin Luther King Day	Veteran's Day
Lincoln's Birthday	Thanksgiving Day
Easter	Christmas Eve
Memorial Day	Christmas Day
Fourth of July	

Section 2. Holiday Payment. Employees covered by this Agreement shall receive **eight (8) hours** holiday pay. When their regularly scheduled day off falls on the day of a holiday, the employee shall receive **eight (8) hours** pay and the day off. This compensation shall include those holidays occurring during an Officer's vacation.

When an employee's regular workday falls on the day of a holiday, he shall receive **one and one-half (1 ½) day's** compensation above his base pay for all hours worked on the holiday. When an employee is required to work by order of the Chief of Police or his designee on a day which is his regular day off on the day of a holiday, he shall be paid at his overtime rate, for all hours worked in addition to his holiday pay described above.

For the purpose of this Article, holiday pay shall be received by any officer whose work day begins during the **twenty-four (24) hour** period 0000-2359 hours of the holiday.

Section 3. Personal Days. In addition to the above paid holidays, Employees covered by this Agreement shall receive **twenty-four (24) hours** of personal leave per year. This personal leave may be taken at the Employee's discretion, and no holiday pay or other premium pay will be received as a result of taking such days.

ARTICLE XXIII – CLOTHING ALLOWANCE

Section 1. Clothing Allowance. All full-time officers covered by this Agreement shall receive a yearly clothing allowance in the following amounts:

All full-time officers covered by this Agreement will be given a **Six Hundred Fifty Dollar (\$650.00)** uniform allowance per year. Clothing allowance checks, which will be subject to all applicable taxes and/or deductions, shall be issued in a separate check on the first payday after June 1 of each year. The officer will be responsible for all clothing replacement with the exception of clothing or firearms destroyed in the line of duty. Replacement of destroyed clothing by the Employer will be by approval of the Police Chief. Replacement or major repair of firearms by the Employer will be by approval of the Police Chief. The foregoing will not affect initial issue or mandatory uniform changes.

Priority purchases under this clothing allowance shall be one complete long-sleeve and one complete short-sleeve Class A uniform. If the officer does not currently possess a felt department regulation campaign hat, then that is also a priority purchase from this clothing allowance. The Police Chief shall have two uniform inspections per year for verification and which shall be held in the summer and winter with **two (2) weeks'** notice to the officers prior to the inspection.

Detectives or officers assigned to an undercover unit may purchase suits, shirts, dress slacks, ties, shoes, and sport coats for use in any necessary official court appearances, as well as polo shirts and casual slacks when temperate weather permits their use for official business. Any other items that may be needed must be approved by the Chief of Police.

Up to **One Hundred Dollars (\$100.00)** may be used for night-sights on one weapon with Police Chief's approval.

Clothing and equipment vendors must be approved by the Police Chief. All probationary officers shall be supplied with items of clothing and accessories as set forth on the initial issuance list. Assignments to provide these items shall be made within **ten (10) days** from the date the employee commences work with the Employer. Effective **June 1, 2008**, all initially issued clothing and equipment, and clothing and equipment purchased through the quartermaster system, shall remain the property of the Village and shall be promptly returned upon separation of employment, reasonable wear and tear caused by the duties and function of office excepted. Probationary employees shall receive uniform allowance on the first payroll date after **January 1** following their employment date, prorated to the number of months employed.

Section 2. Uniform Changes. Any major change or addition to the uniform now worn by the Police Department is to be paid for by the Employer and is not to be deducted from the officer's uniform allowance.

ARTICLE XXIV – VACATIONS

Section 1. Vacation Scheduling. On or before **November 1** of each year, the Employer shall post a vacation sign-up sheet for officers covered by this Agreement. Officers shall select those weeks or days during the upcoming year they wish for their accrued vacation leave. During the first **thirty (30) days** the list is posted, seniority, as defined in **Article XVI**, shall determine which officer shall be entitled to a particular week. After this **thirty (30) day** period, vacation shall be scheduled on a first-come, first-served basis, and seniority shall not be determinative. Requests for vacation time after **January 1st** shall be granted with the approval of the Chief of Police or his designee.

Section 2. Schedule of Vacation Time Earned. Officers shall accrue credit for vacations according to the following schedule:

One (1) year of service completed

Forty (40) hours

Two (2) years of service completed
Five (5) years of service completed
Ten (10) years of service completed
Fifteen (15) years of service completed

Eighty (80) hours
One Hundred Twenty (120) hours
One Hundred Sixty (160) hours
Two Hundred (200) hours

Officers shall be permitted to take accrued vacation leave at any time of the year and in any increment of time from **eight (8) hours** to the entire accrued credit. If a holiday falls during vacation time, **one (1) extra day** vacation or **eight (8) hours** of vacation or **eight (8) hours** regular pay will be granted, at employee choice.

Section 2. Vacation/Comp Time Sell-Back. An Employee may sell back to the Employer **one (1) week** of vacation and/or comp time each year during the first payroll period in December.

ARTICLE XXV – INSURANCE

Section 1. Hospitalization. The Village shall continue to make available to employees covered by this Agreement and their dependents the current level of group hospital, medical insurance as they exist as of the date of this Agreement. The Village reserves the right to change insurance carriers, benefit levels or to self-insure as it deems appropriate, with alternatives as supplied by an Insurance Search Committee, as long as the new benefits for the bargaining unit employees are substantially equal to those in effect when this Agreement is ratified.

The Village plan shall have a **Two Thousand Five Hundred Dollar (\$2,500.00)** deductible. The Village shall reimburse the employee up to the **Two Thousand Five Hundred Dollar (\$2,500.00)** deductible based on receipt of the invoice of the medical provider and the explanation of benefits referencing the charges from such medical provider. Employees shall continue to contribute in the same amounts, via a payroll deduction toward the health insurance premium for the employee's and the dependent's chosen insurance coverage as are currently in effect.

The Employer and Labor Council agree to establish an Insurance Search Committee to help find policy alternatives. The parties agree to mid-term bargaining over insurance plan, premiums, etc. if the Search Committee recommends alternative plan(s). Such bargaining will be governed by **Article VI – Resolution of Impasse.**

Section 2. Life Insurance. The Employer shall supply each officer covered by the terms of this Agreement with **Ten Thousand Dollars (\$10,000.00)** of term life insurance.

Section 3. Retirement Health Savings Account. The Employer agrees to payroll deduct and forward to the National FOP Retirement Health Savings Plan such pre-tax amount from an employees pay as may be directed by the employee; should FOP Lodge #139 adopt such a plan.

Section 4. Dental Insurance. Contingent upon the participation of the required number of Village employees needed to establish the plans, the Employer agrees to make available a dental insurance plan for employees and their dependents. The Village plan shall have a **Fifty Dollar (\$50.00)** deductible for individuals and a **One Hundred Fifty Dollar (\$150.00)** deductible for families. The Village shall reimburse the employee the deductibles based upon receipt of the invoice from the medical provider and the explanation of benefits referencing the charges from such medical provider. Effective upon the establishment of the dental insurance plan, the employees will contribute via payroll deduction the amount of **twenty percent (20%)** of the dental insurance premiums for the employee's and their dependent's dental insurance coverage.

ARTICLE XXVI – GENERAL PROVISIONS

Section 1. Right to Visit. Authorized representatives of the National or State Lodge shall be permitted to visit the Department during working hours to talk with officers of the local lodge and/or representatives of the Employer governing matters covered by this Agreement.

Section 2. Examination of Records. The Lodge or a representative shall have the right to examine time sheets and other records pertaining to the computation of compensation of any employee whose pay is in dispute or any other records of the employee pertaining to a specific grievance, at reasonable times with the employee's consent.

Section 3. Repair/Replacement of Property. The Employer agrees to repair or replace as necessary an officer's eyeglasses or contact lenses, if such are damaged or broken, if during the course of the officer's duties the officer is required to exert physical force or is attacked by another person. Incident is to be documented with immediate supervisor.

Section 4. Inoculations. The Employer agrees to pay all expenses for inoculation or immunization shots for an officer when such becomes necessary as a result of said employee's exposure to contagious diseases where said officer has been exposed to said disease in the line of duty.

Section 5. Care of Cars. At no time shall the Employer require any Employee to clean or wash a vehicle but must check police cars as part of regular equipment. The Employer agrees to supply all necessary equipment needed to perform their assigned duties, and to maintain said equipment in a safe operating condition.

Section 6. Shift Changes and Overtime Opportunity. Temporary changes in shift assignment will be given with at least **twenty-four (24) hours'** notice, and such notice will be given by telephone or by personal contact with the officer.

Overtime opportunities will be given first to full-time officers. If no full-time officer is available, other part-time or temporary employees may be used at the discretion of the Chief of Police.

Section 7. Psychological Testing. The Employer may order an Employee to undergo psychological testing only where reasonable grounds exist for such testing. The Employer must present to the employee, in writing, the reasons for ordering the psychological test.

Section 8. Physical Testing. The Employer may institute a physical training program for employees. Before beginning such a program, the Employer will notify the Union and will meet and discuss the proposed program. No employee will be disciplined for failing to achieve any goal set by the physical training program.

The Employer may require an Employee to undergo a physical examination where reasonable grounds exist for such examination. Any employment related decisions made as a result of findings from this physical examination shall be in compliance with the Americans with Disabilities Act.

Section 9. Vests. The Employer will provide each employee with a ballistic vest (as their present vest warranty expires), Level II, with shock plates, torso coverage, and manufacturer choice of the officer. The Employer will replace these vests as their warranty expires.

Section 10. Secondary Employment. Officers must obtain approval from the Chief of Police in advance of securing any type of secondary employment, including employment unrelated to law enforcement or any other safety/security field. The approval of the Chief of Police for an employee to work secondary employment shall not be unreasonably withheld. Secondary employment shall not

interfere with the officer's availability to respond to regular duty. Officers covered by this Agreement shall not work in any secondary employment capacity involving a labor dispute.

- (a) **Non-Law Enforcement Related Secondary Employment.** Officers may engage in secondary employment not relating to law enforcement where such employment is approved by the Chief of Police prior to starting the secondary employment in question. Employees currently engaged in non-law enforcement secondary employment at the time of this Agreement may continue in that secondary employment.
- (b) **Law Enforcement Related Secondary Employment.** There shall be two types of secondary employment defined under this Section: "Extra-Duty" and "Private Security".

An officer working "extra-duty", that is duty which is the result of an agreement between the Village of Caseyville Police Department and another government or non-government entity, shall be considered to be working as a Village of Caseyville Police Officer; whether in or out of uniform. An officer's extra-duty employment is strictly voluntary on the part of the officer, and as such, the hours worked are excluded from the calculation of hours for the purpose of determining overtime. Officers working extra-duty secondary employment shall be paid at the rate of pay established by the above referenced inter-governmental or non-governmental agreement.

Officers requesting secondary employment to work "private security", that is any security duty where the employee is not acting in the capacity as a Village of Caseyville Police Officer, shall not use any Village issued items including, but not limited to, uniforms, weapons, vehicles or badges. If the private security secondary employment requires the officer to be licensed to work as an investigator or security individual, or carry a weapon, the officer shall be licensed for such requirements independent of their law enforcement position.

ARTICLE XXVII – DUES DEDUCTION AND FAIR SHARE

Section 1. Dues Deduction. Upon receipt of a written and signed authorization form from an employee the Employer shall deduct the amount of Lodge dues and initiation fee if any, set forth in such form and any authorized increases therein, and shall remit such deductions monthly to the Illinois Fraternal Order of Police Labor Council at the address designated by the Lodge in accordance with the laws of the State of Illinois. The Lodge shall advise the Employer of any increases in dues, in writing, at least **thirty (30) days** prior to its effective date.

Section 2. Dues. With respect to any officer on whose behalf the Employer receives written authorization in a form agreed upon by the Lodge and the Employer, the Employer shall deduct from the wages of the employee the dues and/or financial obligation uniformly required and shall forward the full amount to the Lodge by the **tenth (10th) day** of the month following the month in which the deductions are made. The amounts deducted shall be in accordance with the schedule to be submitted to the Employer by the Lodge. The Employer will provide the Labor Council with each dues deduction payment a list of those employees from whom the dues deductions were made and the amounts of those deductions. Authorization for such deduction shall be irrevocable unless revoked by written notice to the Employer during the **fifteen (15) day** period prior to the expiration of this Agreement. The Employer will also provide, upon request and as changes arise, the names and addresses of all bargaining unit employee.

Section 3. Fair Share. Any present officer who is not a member of the Lodge shall, as a condition of employment, be required to pay a fair share (not to exceed the amount of Lodge dues) of the cost of the collective bargaining process, contract administration in pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. All officers hired on or after the effective date of this Agreement and who have not made application for

membership shall on or after the **thirtieth (30th) day** of their hire, also be required to pay a fair share as defined above.

The Employer shall with respect to any officer in whose behalf the Employer has not received a written authorization as provided for above, the Employer shall deduct from the wages of the employee, the fair share financial obligation, including any retroactive amount due and owing, and shall forward said amount to the Lodge on the **tenth (10th) day** of the month following the month in which the deduction is made, subject only to the following:

- (a) The Lodge has certified to the Employer that the affected employee has been delinquent in his obligation for at least **thirty (30) days**;
- (b) The Lodge has certified to the Employer that the affected employee has been notified in writing of the obligation and the requirement for each provision of this Article and that the employee has been advised by the Lodge of his obligations pursuant to this Article and of the manner in which the Lodge has calculated the fair share fee;
- (c) The Lodge has certified to the Employer that the affected employee has been given a reasonable opportunity to prepare and submit any objections to the payment and has been afforded an opportunity to have said objections adjudicated before an impartial arbitrator assigned by the employee and the Lodge for the purpose of determining and resolving any objections the employee may have to the fair share fee.

ARTICLE XXVIII – SUBSTANCE ABUSE TESTING

Section 1. Statement of Village Policy. It is the policy of the Village of Caseyville that the public has the reasonable right to expect persons employed by the Village to be free from the effects of drugs and alcohol. The Village, as the Employer, has the right to expect their employees to report for work fit and able for duty. The purposes of this policy shall be achieved in such a manner as to not violate any established rights of the officers.

Section 2. Prohibitions. Officers shall be prohibited from:

- (a) consuming or possessing alcohol or illegal drugs at any time during the work day or anywhere on any Village premises or job sites, including all Village buildings, properties,

- vehicles and the officer's personal vehicle while engaged in Village business, except as required in the line of duty;
- (b) illegally selling, purchasing or delivering any illegal drug during the work day or on the employer's premises, except as required in the line of duty;
 - (c) being under the influence of alcohol or illegal drugs during the course of the work day;
 - (d) failing to report to their supervisor any known adverse side effects of medication or prescription drugs which they are taking.

Section 3. Drug and Alcohol Testing Permitted. Where the Village has reasonable suspicions to believe that an officer is then under the influence of alcohol or illegal drugs during the course of the work day, the Village shall have the right to require the officer to submit to alcohol or drug testing as set forth in this Agreement. There shall be no random or unit-wide testing of officers, except random testing of an individual officer as authorized in Section 8 below. The foregoing shall not limit the right of the Village to conduct such test as it may deem appropriate for personnel seeking employment as police officers prior to their date of hire.

Section 4. Order to Submit to Testing. At the time an officer is ordered to submit to testing authorized by this Agreement, the Village shall provide the officer with a written notice of the order, setting forth all of the objective facts and reasonable inferences drawn from those facts which have formed the basis of the order to test. The officer shall be permitted to consult with a representative of the FOP at the time the order is given. No questioning of the officer shall be conducted without first affording the officer the right to FOP representation and/or legal counsel. Refusal to submit to such testing may subject the employee to discipline, but the officer's taking of the test shall not be construed as a waiver of any objection or rights that he may have.

Section 5. Tests to be Conducted. In conducting the testing authorized by this Agreement, the Village shall:

- (a) use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory Act that has or is capable of being accredited by the National Institute of Drug Abuse (NIDA);
- (b) insure that the laboratory or facility selected conforms to all NIDA standards;
- (c) establish a chain of custody procedure for both sample collection and testing that will insure the integrity of the identity of each sample and test result. No officer covered by this Agreement shall be permitted at any time to become a part of such chain of custody;
- (d) collect a sufficient sample of the same bodily fluid or material from an officer to allow for initial screening, a confirmatory test and a sufficient amount to be set aside reserved for later testing if requested by the officer;
- (e) collect samples in such a manner as to preserve the individual officers right to privacy, insure a high degree of security for the sample and its freedom from adulteration. Officers shall not be witnessed by anyone while submitting a sample, except in circumstances where the laboratory or facility does not have a "clean room" for submitting samples or where there is reasonable belief that the officer has attempted to compromise the accuracy of the testing procedure;
- (f) confirm any sample that test positive in the initial screening for drugs by testing the second portion of the same sample by gas chromatography, plus mass spectrometry or an equivalent or better scientifically accurate and accepted method that provides quantitative data about the detected drug metabolites;
- (g) provide the officer tested with an opportunity to have the additional sample tested by a clinical laboratory or hospital facility of the officer's own choosing, at the officer's own expense; provided the officer notifies the Chief within **seventy-two (72) hours** of receiving the results of the tests;
- (h) require that the laboratory or hospital facility report to the Village that a blood or urine sample is positive only if both the initial screening and confirmation test are positive for a

particular drug. The parties agree that should any information concerning such testing or the results thereof be obtained by the Village inconsistent with the understandings expressed herein (e.g. billings for testing that reveal the nature or number of tests administered), the Village will not use such information in any manner or forum adverse to the officer's interests;

- (i) require that with regard to alcohol testing, for the purpose of determining whether the officer is under the influence of alcohol, test results that showing an alcohol concentration of .08 or more based upon the grams of alcohol per 100 milliliters of blood be considered positive (Note: the foregoing standard shall not preclude the Village from attempting to show that test results between .04 and .08 demonstrate that the officer was under the influence, but the Village shall bear the burden of proof in such cases;
- (j) provide each officer tested with a copy of all information and reports received by the Village in connection with the testing and the results;
- (k) insure that no officer is the subject of any adverse employment action except emergency temporary reassignment with pay during the pendency of any testing procedure. Any such emergency reassignment shall be immediately discontinued in the event of a negative test result.

Section 6. Right to Contest. The FOP and/or the officer, with or without the FOP, shall have the right to file a grievance concerning any testing permitted by this Agreement, contesting the basis for the order to submit to the tests, the right to test, the administration of the tests, the significance and accuracy of the tests, the consequences of the testing or results or any other alleged violation of this Agreement. Such grievances shall be commenced at Step 2 of the grievance procedure. It is agreed that the parties in no way intend or have in any manner restricted, diminished or otherwise impair any legal rights that officers may have with regard to such testing. Officers retain any such rights as may exist and may pursue the same in their own discretion with or without the assistance of the FOP.

Section 7. Voluntary Requests for Assistance. The Village shall take no adverse employment action against an officer who voluntarily seeks treatment, counseling or other support for an alcohol or drug related problem, other than the Village may require reassignment of the officer with pay if he is then unfit for duty in his current assignment. The Village shall make available through its Employee Assistance Program a means by which the officer may obtain referrals and treatments. All such requests shall be confidential and any information received by the Village through whatever means, shall not be used in any manner adverse to the officer's interests, except reassignment as described above.

Section 8. Discipline. In the first instance that an officer is found to be under the influence of alcohol, and all officers who voluntarily seek assistance with drug and/or alcohol related problems, shall not be subject to any disciplinary or other adverse employment action by the Village. The foregoing is conditioned upon:

- (a) the officer agreeing to appropriate treatment as determined by the physician(s) involved;
- (b) the officer discontinues his use of illegal drugs or abuse of alcohol;
- (c) the officer completes the course of treatment prescribed, including an "after-care" group for a period of up to **twelve (12) months**;
- (d) the officer agrees to submit to random testing during hours of work during the period of "after-care".

Officers who do not agree to the foregoing, or who test positive a second or subsequent time for the presence of illegal drugs or alcohol during the hours of work shall be subject to discipline, up to and including discharge.

The foregoing shall not be construed as an obligation on the part of the Village to retain an officer on active status throughout the period of rehabilitation if it is appropriately determined that the officer's current use of alcohol or drugs prevents such individual from performing the duties of a police officer or

whose continuance on active status would constitute a direct threat to the property or safety of others. Such officers shall be afforded the opportunity to use accumulated paid leave or take an unpaid leave of absence pending treatment. The foregoing shall not limit the Village's right to discipline officers for misconduct provided such discipline shall not be increased or imposed due to alcohol or drug abuse.

Officers who are taking prescribed or over-the-counter medication that has adverse side effects which interfere with the officer's ability to perform his normal duties may be temporarily reassigned with pay to other more suitable police duties.

Use of prescribed drugs at any time while employed by the Village shall be cause for discipline, including termination, subject to confirmation by the Police and Fire Board. While all such disciplinary issues shall be subject to the jurisdiction of the Police and Fire Board, all other issues relating to the drug and alcohol testing process (e.g., whether there is reasonable suspicion for ordering an employee to undertake a test, whether a proper chain of custody has been maintained, etc.) may be grieved in accordance with the grievance and arbitration procedure set forth in this Agreement.

Nothing in this Section shall be construed to prevent an employee from (1) asserting, or the Police and Fire Board from considering, that there should be treatment in lieu of discipline in any disciplinary proceeding before the Police and Fire Board, or (2) contesting any discipline that may be imposed under applicable federal or state discrimination laws.

ARTICLE XXIX – SAVINGS CLAUSE

If any provision of this Agreement or any application thereof should be rendered or declared unlawful, invalid or unenforceable by virtue of any judicial action, or by any existing or subsequently enacted Federal or State legislation, or by Executive Order or other competent authority, the remaining provisions of this Agreement shall remain in full force and effect. In such event upon the request of either party, the parties shall meet promptly and negotiate with respect to substitute provisions for those provisions rendered or declared unlawful, invalid, or unenforceable.

ARTICLE XXX – COMPLETE AGREEMENT

The parties acknowledge that during the negotiations which preceded this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject matter not removed by law from the area of collective bargaining. The understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement.

ARTICLE XXXI – DURATION

Section 1. Term of Agreement. This Agreement shall be effective from **June 1, 2013**, and shall remain in full force and effect until **May 31, 2016**. It shall continue in effect from year to year thereafter unless notice of termination is given in writing by certified mail by either party no earlier than **one hundred twenty (120) days** preceding expiration. The notices referred to shall be considered to have been given as of the date shown on the postmark. Written notice may be tendered in person, in which case the date of notice shall be the written date of receipt.

Section 2. Continuing Effect. Notwithstanding any provision of this Article or Agreement to the contrary, this Agreement shall remain in full force and effect after any expiration date while negotiations or Resolution of Impasse Procedure are continuing for a new Agreement or part thereof between the parties.

Section 3. Successor Negotiations. The parties agree that if either side decides to open negotiations for a successor Agreement, that party may so notify the other at least **ninety (90)** and no more than **one hundred twenty (120) days** prior to the expiration of the Agreement. In the event such notice to negotiate is given, then the parties shall attempt to meet not later than **ten (10) days** after the date of receipt of such notice, or at such reasonable times as are agreeable to both parties for the purpose of negotiation. All notices provided for in this Agreement shall be served on the other party by certified mail, return receipt requested. Any impasses at negotiations shall be resolved by the procedures of the Illinois Labor Relations Act.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures this 17th day of April, 2014.

FOR THE EMPLOYER:

/s/ Leonard Black
Village President

FOR THE LODGE:

Lodge Representative

Lodge Representative

Field Representative
Illinois FOP Labor Council

(SEAL)

EXHIBIT "A"

WAGE RATES/LONGEVITY

Section 1. Base Wages. Patrolmen and Probationary Patrolmen base pay will be shown below and be effective as of **June 1, 2013**. Sergeant differential pay shall continue to be **One Dollar Thirty Cents (\$1.30)** per hour.

Pay Rate Increases Effective:	6/1/13 – 2.5%	6/1/14 – 2.5%	6/1/15 – 2.5%
Rank	Hourly Rate	Hourly Rate	Hourly Rate
Sergeant	\$26.54	\$27.20	\$27.88
Patrolman	\$25.20	\$25.83	\$26.48
Probationary Patrolman	\$22.96	\$23.53	\$24.12

Section 2. Longevity Pay. Longevity payment as a percent of the Patrolman/Sergeant base pay shall be as follows:

Years of Service	Percent of Base Pay
	Effective June 1, 2013
Two (2)	2.0%
Five (5)	3.5%
Ten (10)	5.0%
Fifteen (15)	6.5%
Twenty (20)	8.0%

Section 3. Hotel/Motel Voluntary Assignment Pay. Effective upon execution of this Agreement, officers working the Hotel/Motel Voluntary Assignment detail shall be paid at the rate of **Nineteen Dollars (\$19.00)** per hour. Such assignment is voluntary on the part of the officer and hours worked in such detail shall not count towards the calculation of overtime.

Section 4., Retroactivity. Increases in wages shall be retroactively effective to **June 1** of each year on all hours paid. Retroactive amounts due to be paid by separate check within **sixty (60) days** of the Village's ratification of the collective bargaining agreement.

EXHIBIT "B"

EDUCATIONAL INCENTIVES

Section 1. Bonus Incentive Pay. Officers covered by this Agreement shall receive bonus incentive pay for advanced educational degrees according to the following schedule.

One Year Certificate	\$50.00/year
Associate Degree	\$0.15/hour
Bachelor's Degree	\$0.35/hour
Master's Degree	\$0.45/hour

Section 2. Tuition Reimbursement. The Village will pay for the cost of tuition and books for accredited college or university courses required in the pursuance of a law enforcement degree, taken by full-time, non-probationary employees consistent with the following:

1. Prior to the start of the fiscal year in which the class or classes will occur, the employee shall notify the Chief of Police in writing of his desire to take a course(s) prior to actually enrolling in the course or courses. The employee's notification shall identify the institution where the course(s) is to be taken; provide a description of the course; and provide such minimal information as to show the institution is accredited. In the event an employee's request and notification are made after the beginning of the fiscal year, in which the class or classes are to occur, tuition reimbursement shall be subject to budgetary impact and the availability of funds or payment in the following fiscal year if funds are not available in the fiscal year for which the class was requested.
2. Upon completion of the course(s), the employee shall provide the Employer with proof of a passing grade, of at least a "C" or better; receipts for the tuition and books required by the course(s), as well as any fees; and documentation of any non-repayable governmental or institutional financial aid received by the officer which was directly applied to the employee's tuition and books for the eligible course(s).
3. Employees shall be reimbursed for the full cost of books and materials required for the course(s). The cost of tuition for the course(s) shall be reimbursed up to the level of the in-state, per-credit-hour tuition rate of Southern Illinois University-Edwardsville (SIU-E) in effect at the time of reimbursement. In addition, the Village may reduce the amount of reimbursement where the employee has received financial aid mentioned above. "Financial aid" for purposes of this section does not include any loans or credit secured by the employee to pay for eligible courses.
4. The maximum amount of hours reimbursed by the Village shall be limited to: 64 hours for an Associate's degree, 120 hours for a Bachelor's degree (exclusive of transferred hours), and an additional 60 hours for a Master's degree.
5. Any employee who receives educational benefits shall reimburse the Village if the employee resigns or is terminated from employment within 12 months of receiving the benefit.

APPENDIX "B"

VILLAGE OF CASEYVILLE (PUBLIC WORKS DEPARTMENT) CASEYVILLE, IL 62232

AGREEMENT

This agreement, made and entered into this 1st day of June, 2013 by and between the Village of Caseyville (Public Works Department consisting of Water, Street and Sewer Departments), party of the first part, hereinafter referred to as the Company, and the International Hodcarriers, Building and Common Laborers' Union of America, Local No. 100, of East St. Louis, Illinois, party of the second part, hereinafter referred to as the Union.

WITNESSETH

Whereas, the Company is engaged in furnishing an essential public service which virtually affects the health, safety, comfort and general well-being of a large number of People in the many communities furnished water service by the Company, and

Whereas, the very existence of the Company is conditioned upon carrying out its obligations and responsibilities to the public served, and

Whereas, this responsibility to the public is a mutual responsibility of employees and management which required that any disputes pertaining to this contract arising between the employees and management be settled in an orderly way without interruption of water service, and

Whereas, both parties to this agreement hereby recognizes this mutual responsibility of service to the public.

Now, therefore, in the furtherance of harmonious relations among the management and public, it is mutually agreed by the parties hereto that there shall be no strike or lockout during the term of this agreement and this mutually, agreed covenant shall continue through the future relations between the parties hereto. It is further mutually agreed by the parties that in connection with the negotiations for the renewal of this contract, in case terms and conditions for its renewal have not been successfully concluded prior to the expiration date of same, the Union agrees that in case of emergency, such as leaks, broken mains or services, that the members of said Union shall promptly make the necessary repairs and turn off or restore service to the consumer's premises.

It is further agreed as follows:

Section 1. The jurisdiction of this agreement shall include the entire Caseyville Public Works Department System, and all maintenance of the Sewer System.

Section 2. The Company recognizes the accredited representatives of the Union as qualified and authorized to bargain collectively for the entire personnel of the bargaining unit as set forth in Section 1.

All present employees of the Company who are members of the Union on the date of execution of this Agreement shall remain members of the Union during the term of this Agreement as condition of continued employment subject to the provisions contained in Section 8(a)(3) and Section 8(b)(2) of the National Laborer Relations Act as amended (1947). All other present employees except office shall, as condition of employment make applications for the effective date of this Agreement and shall maintain

such membership in good standing during the terms of this agreement subject to the provisions contained in Section 8(a)(3) and Section (b)(3) of the NLRA as amended (1947). All new employees shall, as condition of employment, apply for membership in the Union within **thirty (30) days** after hire date of execution of this Agreement whichever is later, and shall maintain membership in good standing in the Union thereafter subject to the provisions contained in Section 8(a)(3) and Section 8(b)(2) of the NLRA as amended (1947).

If any lesser number of days is established as a minimum requirement for acquisition of membership of Federal Statute under a Union Security clause, such lesser number of days shall apply and be substituted hereinabove.

In order that the Company shall have a competent working force and to promote efficiency and safety of operation, the Company and the Union agree that:

- (a) The Union will maintain a list of persons available for employment.
- (b) Excluding all present regular employees, hiring preference shall be given to those persons living within Water District boundaries, provided said person or persons is or can qualify with the Union.
- (c) The Company in requesting referral of applicants shall specify to the Union (1) the number of applicants to be employed, (2) the work to be performed, (3) the location of the project, (4) the nature of the work, (5) such additional information as is deemed pertinent by the Company, in order to enable the Union to make proper referral of applicant.
- (d) The Union will not discriminate either in the maintenance of its list or in its referrals for employment against any persons because of his membership or non-membership in the Union. Selection of applicants for membership in its referral shall not be based on, or in any way affected by, Union membership, by-laws, rules, regulations, constitutional provisions, or any other aspect or obligations or Union membership policies or requirements.
- (e) The Union shall refer to the Company such applicants as are competent to fulfill the requirements of the position sought to be fulfilled commensurate with relation or registrants and who have acquired experience and possess the requisite skill for fulfillment of the vacant positions as specified by the Company.
- (f) No Supervisor in the employ of Company who holds Union membership shall be bound or in any way affected in the performance of his duty for the Company, including hiring by any obligations of the Union membership, by-laws, rules and regulations or the Constitution of the Local or International Union.
- (g) The provisions of this Article shall be posted by the Company at its premises where notices to employees and applicants for employment are customarily posted and shall be posted by the Union at its offices where notices to applicants for referral are customarily posted.
- (h) All full-time employees who have been employed by the Village of Caseyville for a period of **sixty (60) days** continuously shall be covered by all conditions provided in this Agreement.

The Company reserves and shall have the right to accept or reject, to employ or not employ, any person furnished by the Union, or to discharge for cause any employee who has been accepted but who subsequently proves unsatisfactory to the Company.

The Employer shall be the sole judge of, and have the right to determine the number of employees required on any job, or any portion of the work being done by the Employers. There shall be no restriction as to the use of machinery, tools or appliances.

Section 3. Any differences pertaining to this contract which may arise between employees and management shall be normally adjusted by direct contact between the employees and his immediate supervisor either personally or through the employee's Union Representative.

Where differences can't be adjusted in the normal way they may be taken up by the employee or his representative with the Department Head and Manager, in succession, and if still not adjusted they may be referred to a joint conference committee consisting of two or more members representing the Company and two members representing the Union. All unsettled differences affecting the interpretation of this Agreement and the mutual obligations of the parties hereto to service the public shall be taken up with the joint conference committee.

Section 4. All employees engaged on excavation, backfilling, yarning, caulking, heating, pouring lead, pipe joining for the installation of distribution mains, services and meters, and the maintenance brick or other composition pavement and replacing of same, chipping of concrete and tile and all work covered under the jurisdiction of the agreement and any work pertaining to public works shall be paid at the rate of:

Public Works Department Wages

June 1, 2013 to May 31, 2014 - \$27.24

June 1, 2014 to May 31, 2015 - \$27.92

June 1, 2015 to May 31, 2016 - \$28.62

Foreman shall be paid an additional **\$0.50** per hour

Sick Leave

Each full-time employee shall receive **twelve (12) sick days** annually. Employees shall be allowed to carry over from year to year any unused sick leave accumulating to maximum of **ninety (90) days** total. If an employee leaves the Village for any reason before completing **twenty (20) years** of service they shall receive pay for **one-half (1/2)** the accumulated sick days up to a total of **ninety (90) days**.

The total **ninety (90) days** accumulated shall be paid in full only if the employee leaves with **twenty (20) years** or if they retire under the I.M.R.F. Retirement Plan.

Recall Time

Employees who are called back to work will be paid **two (2) hours** call out time.

Section 5. For employees performing the class of work specified in Section 4 hereof including those employees engaged in both new construction work and on maintenance work, the regular work day consist of **eight (8) hours** from **7:00 A.M.** to **3:30 P.M.** and a regular work week consist of **five (5) days**, Monday through Friday, **7:00 A.M.** to **3:30 P.M.** All hours worked before **7:00 A.M.** or after **3:30 P.M.** shall be paid at the rate of time and one-half of the current hourly rate; except on Sunday for which all hour will be paid at the rate of double time. Lunch hour will consist of **one-half (1/2) hour**.

Meal Money

Any employee who works up to **6:00 P.M.** shall be entitled to a meal. Any employee who works **four (4) consecutive hours** after **6:00 P.M.** and for every **four (4) hours** thereafter shall be entitled to a meal, paid for by the Village. There shall be an **Eight Dollar (\$8.00)** limit on all meals.

Section 6. All temporary employees engaged in the class of work specified in Section 4 shall be paid at the regular rate.

Section 7. Holidays. Full-time employees subject to the jurisdiction of this Agreement who have been in the Company employ for **sixty (60) days** or longer within the current **twelve (12) month's** period, who when not required to work on any of the following holidays namely,

1. New Year's Day
2. Good Friday
3. Decoration Day
4. Fourth of July
5. Labor Day
6. Veteran's Day
7. Thanksgiving Day
8. Christmas Eve
9. Christmas Day
10. President's Day
11. Three (3) personal holidays

Shall be paid for **eight (8) hours** regular time at basic rate of pay for each said holiday when not worked and when such a holiday falls or is observed on a regular work day from Monday to Friday inclusive, provided, however, that to qualify for said paid holidays when not worked an employee shall be currently employed by the Company and shall have worked on the last regular day prior to and the first regular working day following such holiday unless his absence from work on such prior or subsequent work day was due to bad weather conditions when other Water and Sewer Department men did not work or temporary layoff by the Company within the current week due to shortage of material.

- (a) Any man that is called out to work on any of the present paid holidays will be paid his regular hours worked at the rate of time and one-half plus his **eight (8) hours** holiday pay.

Section 8. Vacations. All regular full time employees shall be entitled to vacation time with pay under the following schedule:

- (a) Employees who have completed **one (1)** full year of service shall receive **two (2) weeks**.
- (b) Employees who have completed **five (5)** full years of service shall receive **three (3) weeks**.
- (c) Employees who have completed **ten (10)** full years of service shall receive **four (4) weeks**.
- (d) Employees who have completed **twenty (20)** full years of service shall receive **five (5) weeks**.
- (e) Employees who have completed **twenty-five (25)** full years of service shall receive **six (6) weeks**.

Vacation Clause.

- (a) If a holiday falls during vacation time, **one (1)** extra days' vacation or **eight (8) hours** regular pay.
- (b) Vacation schedules will be worked out as far in advance as possible to accomplish this and to consider the wishes of senior employees each year. After **January 1** each employee shall indicate on a yearly calendar his vacation request no later than **April 1**. After **April 1**, all employees who have failed to select their vacation time will take whatever time is available by seniority. Vacation must be taken annually if not, vacation will be forfeited for the year.

Section 9. Temporary Employees. Temporary employees hired from Local 100 will be required to work **one (1)** full continuous year before receiving any benefits such as holiday, sick days, or vacation time. For all temporary employees the Village agrees to pay the cost of participation in the Laborer's Local 100 and 397 Health and Welfare and Pension Fund as negotiated by Local 100 and administered by the Trustee of the Trust Agreement.

Section 10. The Company shall be required to furnish all tools and rubber boots for members working excessive mud, water and sloppy concrete, also rubber coats and rain hats where members are required to work in the rain or where water drips on them. When weather conditions make it desirable, a fire shall be provided or permitted as near the job as it is practical to give workmen an opportunity to warm or dry themselves at least during inclement work and weather or cold weather, the trucks on which workmen are taken to and from work or transported from one job to another shall be equipped with tops or covers to protect the workmen. Ice water shall be furnished on the job when so requested by the majority of the employees on any job.

Section 11. The employees shall be paid bi-weekly.

Section 12. The Union agrees that its officers and members will live up to Company rules and regulations in the interest of safety, economy and continuity of service to the public. The Union agrees that its officers and members will not solicit membership in the Union among employees of the Company while employees are on duty and will not at any time interfere with restrain or coerce employees of the Company in attempting to influence them to be members of the Union.

The Union will not engage in subterfuge for the purpose of defeating or evading the provisions of the Agreement.

Section 13. It shall be the duty of the foreman or steward to report personally to both the Union and the Company any accident to a Union employee which may occur on a job where employed. It shall be the duty of the steward to see to it personally that the injured Employee is taken care of and his family notified without loss of pay of steward so engaged.

Section 14. All stewards shall be appointed by the Business Agent of the Union. The Company shall post a notice or bulletin board at office, naming the doctor or doctors, hospital or hospitals, for the attention of illness or injury to employees. The steward on any job shall work for the same duration of time as any member of the Union works provided said steward can qualify for the type of work in progress.

Section 15. It is expressly agreed that the Company during the term of this Agreement and subsequent renewals, will make no Agreement with another Union covering the classifications of work provided for herein.

Section 16. No employees of the Union will be allowed to work on any job where Business Representative of the Union is not permitted the privilege of interviewing such employees while at work. It is agreed, however, that such interviews shall not be subject the progress of the work to interruption. No piece work will be permitted on any job.

Section 17. Jury Duty. Jury pay will be granted, by paying the regular **eight (8) hour** straight time day for days actually served. Jury pay to be turned over to the Village.

Section 18. Funeral Leave. Full-time employees will be paid **three (3) days** absence in the case of the death in his immediate family and **five (5) days** if such death is out of state. Immediate family means father, mother, child, wife or husband, mother-in-law, father-in-law, or dependent. Also includes life partner must be living with **three (3)** or more years. This is in addition to vacation and sick leave time.

Section 19. Clothing Allowance. Full-time employees will receive an allowance for uniforms, and/or work shoes, in the amount of **Three Hundred Dollars (\$300.00)** per person to be paid on **June 1.**

Section 20. Insurance. The Village will pay the cost of participation in the Laborers' Local 100 and 397 Hospitalization Plan as negotiated by Local 100 and administered by the Trustees of the Trust

Agreement beginning **June 1, 2013**. The monthly amount for each employee will be **Nine Hundred Sixty-Eight Dollars (\$968.00)** with a **ten percent (10%)** cap each year of the contract.

Section 21. Seniority Clause. In case of employees being laid off, the layoff shall be made according to the length of service to the Village that is last hired is first laid off. When adding to the work force, employees most recently laid off shall be the first re-employed.

Section 22. Laborers' National (Industrial) Pension Fund. The employer agrees to deduct from the pay of all employees covered by this agreement the amount of **One Dollar Ten Cents (\$1.10)** for each and every hour or portion of an hour worked for the employer (including hours or portions of hours of paid holidays, vacation, sick leave, personal leave or other paid leave and overtime). The employer further agrees to forward these employee pay deductions to the Laborer's National (Industrial) Pension Fund. The funds forwarded to the Laborers' National (Industrial) Pension Fund are solely from the pay of the employees and there is no amount, contribution or additional cost attributable to the employer.

The employer also agrees to forward employee pay deductions to Locals #100 and #397 annuity plan if and when all employees decide to participate in the annuity plan. Similar to the National (Industrial) Pension Fund employee pay deductions stated above, there is no amount, contribution or additional cost attributable to the employer.

This Agreement and the provisions, thereof, shall continue in force and be binding upon the respective parties thereof, and their successors and assigns, from **June 1, 2013**, to **May 31, 2016**. Either of the parties hereto desiring a change in any section or sections of this Agreement shall notify the other party in writing of the desired change **sixty (60) days** prior to the contract expiration date. After such notice the Agreement shall be opened up and the change or changes desired will be considered.

VILLAGE OF CASEYVILLE

LOCAL #100

Mayor Leonard Black

Business Manager Bobby Green

Attest:

Village Clerk Rob Watts

APPENDIX "C"

**COLLECTIVE BARGAINING AGREEMENT
BETWEEN
VILLAGE OF CASEYVILLE, ILLINOIS
AND
TEAMSTERS, AUTOMOTIVE, PETROLEUM AND ALLIED TRADES
LOCAL UNION NO. 50
affiliated with the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

JUNE 1, 2013 THROUGH MAY 31, 2016

AGREEMENT

THE AGREEMENT made and entered into by and between the **VILLAGE OF CASEYVILLE, ILLINOIS**, Party of the First Part hereinafter called the "EMPLOYER" and TEAMSTERS, AUTOMOTIVE, PETROLEUM AND ALLIED TRADES, LOCAL UNION NO. 50, Belleville, Illinois, affiliated with the INTERNATIONAL BROTHERHOOD OF TEAMSTERS, Party of the Second Part, hereinafter called the "Union".

ARTICLE I – RECOGNITION

Section 1. The Employer agrees to recognize, and does hereby recognize, Teamsters Local Union No. 50 and its representatives as the exclusive bargaining agent for all full-time employees.

Section 2. The term "employee" as used in this Agreement shall include all office employees, office manager, bookkeeper, assistant bookkeeper, administrative clerk, police clerk and water clerk.

Section 3. The Employer will neither negotiate nor make collective bargaining agreements for any of its employees in the bargaining unit covered hereby unless it be through duly authorized representatives of Teamsters Local Union No. 50.

Section 4. The Employer agrees that it will not sponsor or promote, financially or otherwise, any group or labor organization for the purpose of undermining Teamsters Local Union No. 50; nor will it interfere with, restrain, coerce, or discriminate against any of its employees in connection with their membership in the Union.

ARTICLE II – MANAGEMENT RIGHTS

Section 1. All of the responsibilities and rights of management which are not specifically limited by the provisions of other Articles of this agreement are retained by the Village. The rights mentioned in this Article or illustrations of the rights retained by the Village and are not intended as an all-inclusive list of these rights, the management of the business operation; the direction of the working force, including but not limited to the right to direct and control all of the operations or services performed by the employees of the Village, to determine the schedules of work, the size and composition of the working force to hire, promote, suspend, discipline, or discharge for just cause.

ARTICLE III – UNION MEMBERSHIP/FAIR SHARE

Section 1. Payment of Dues. It is understood and agreed by and between the parties hereto that persons who are hereafter employed by the Employer in the unit, which is the subject of this Agreement, may become members of the Union following the completion of the probationary period. Each employee who joins the Union shall be on payroll deduction. The Employer shall deduct from each employee's pay the set amount for dues and submit payments to the Union Hall.

Section 2. Fair Share Payment. The parties further agree that non-Union members in the unit shall be required to pay, upon completion of the probationary period, their proportionate share of the costs of the collective bargaining process, contract administration, and of pursuing matters affecting wages, hours and other conditions of employment, an amount equal to the amount of dues uniformly required of members. Such proportionate share once certified by the exclusive bargaining agent, shall be tendered directly to the Union by the employee, no later than the last business day of each month. Such fair share provision shall remain in effect for the duration of the labor agreement. In accordance with the provisions of Section 1, fair share dues shall also be deducted from employee's pay and submitted to Teamsters Local Union No. 50.

Section 3. Failure to Pay. It shall be the responsibility of the Union to notify the Employer within **thirty (30) days** of the failure by any employee to conform with Sections 1 and 2 of this Article.

Upon receipt of such written notice from the Union, the Employer shall serve written notice to the employee in question of his/her pending termination. Said employee shall be allowed **sixty (60) days** from the date payment was due to the Union with which to become current and/or show proof of payment to the Caseyville Village Clerk.

Failure to become current within the prescribed **sixty (60) day** period shall result in the termination of said employee.

ARTICLE IV – SENIORITY

Section 1. Seniority shall date from the first (1st) day of continuous employment. Continuous employment shall be so construed that absences from employment due to illness, accident or family death shall not cause a break in such continuous employment. Seniority rights shall cease upon termination of employment.

Section 2. All new employees shall be probationary employees during the first **six (6) months**. Upon completion of **six (6) months** the employees shall become a regular employee.

ARTICLE V – DISCHARGE, DISCIPLINE, AND SUSPENSION

Section 1. The Employer shall not discharge nor suspend any employee without just cause. Any employee being discharged shall have the right to appeal to the Union and have his/her case investigated. If such dismissal is found to have been for just cause, the Union will not ask for reinstatement of such employee. If such dismissal is found by the Union and Company or by arbitration to be without just cause, the employee shall be reinstated without loss of pay.

ARTICLE VI – GRIEVANCE PROCEDURE

A grievance is hereby jointly defined to be any controversy, complaint, misunderstanding, or dispute arising as to meaning, application, or observance of any of the provisions of this Agreement.

It is mutually agreed that any differences arising between the Employer and/or any employee of the Employer, as to the meaning or application of the provisions of this Agreement, such differences shall be settled in the following manner:

Section 1. The aggrieved employee or employees shall first take the matter up with the Union Steward, who in turn will take the grievance up with the Village Clerk. Employees shall have the steward present on any grievance. If a satisfactory settlement is not affected with the Village Clerk within **ten (10) working days** the employee shall submit such grievance to the Business Representative in writing.

Section 2. If no satisfactory adjustment is agreed upon the matter shall be referred by the Business Representative to the Board of Trustees of the Village of Caseyville with authority to act, who shall review the alleged grievance and offer a decision on or before the next regularly scheduled Board Meeting.

Section 2a. The decision of the Board of Trustees shall consist of a **3/5ths majority**.

Section 3. If no agreement can be reached pursuant to the procedure specified in Sections 1 and 2 the parties, upon written request of either party, shall submit the grievance to arbitration.

Section 4. In the event the Employer and the Union arbitrate, the Employer and the Union agree to accept the decision of the majority of an arbitration board consisting of **one (1) member** selected by the Employer, and **one (1) member** selected by the Union, and the third selected by the **two (2) arbitrators** nominated as above.

Section 5. It shall be incumbent upon both parties to nominate the third arbitrator within **seven (7) days** after such notice is given. Upon the failure of the **two (2) arbitrators** as above to agree upon the third arbitrator, both parties agree to ask the State of Illinois, Department of Labor to appoint the third arbitrator. The expense of the arbitrator selected by the Employer shall be borne by the Employer. The expense of the arbitrator selected by the Union shall be borne by the Union. The expense of the third arbitrator selected or appointed shall be borne equally by the Employer and the Union.

Section 6. Complaints regarding the discriminating discharges of members of the Union will be handled promptly, according to grievance procedure herein provided. Such complaints must be filed within **ten (10) working days** of discharge and must be made in writing. The management must review and render a decision on the case within **ten (10) working days** after receipt of same.

Section 7. Any employee, who is reinstated after discharge will be returned to work at the same rate of pay and without loss of pay and no loss of seniority, or as directed by the arbitrator. The decision of the arbitrator shall be final and binding.

Section 8. The Employer and the Union agree a grievance may be finally settled at any step of the procedure in this Article set forth.

Section 9. During the life of this Agreement the Union agrees there shall be no strikes, slow-ups, or interferences with work and the Employer agrees there shall be no lockouts.

ARTICLE VII – UNAUTHORIZED ACTIVITY

Section 1. It is understood and agreed that the Union shall have no financial liability for acts of its members or agents which are unauthorized and which the Union cannot control. It is agreed, however, that in the event of any such unauthorized action the Union shall, upon receiving notice thereof, urge its members to return to work, if there should be a work stoppage and just as soon as practical address a letter to the Employer notifying the Employer that the action of the members or agent is unauthorized.

Section 2. The Employer shall be privileged to discipline employees responsible for such unauthorized activities without violation of the terms of this Agreement subject, however, to the grievance and arbitration provisions of this Agreement.

ARTICLE VIII – SEPARABILITY AND SAVINGS

Section 1. If an article or section of this Agreement or of any Riders thereto should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section should be restrained by such tribunal pending a final determination as to its validity, the remainder of this Agreement and of any Rider thereto, or the application of such article or section to persons or circumstances other than those as to which it has been held invalid or as to which compliance with or enforcement of has been restrained, shall not be affected thereby.

Section 2. In the event that any article or section is held invalid or enforcement of or compliance with which has been restrained as above set forth, the parties affected thereby shall enter into immediate collective bargaining negotiations upon the request of the Union for the purpose of arriving at a mutually satisfactory replacement for such article or section during the period of invalidity or restraint. If the parties do not agree on a mutually satisfactory replacement either party shall be permitted all legal economic recourse in support of its demands notwithstanding any provisions in this Agreement to the contrary.

ARTICLE IX – FUNERAL LEAVE

The Employer agrees to pay employees for necessary absence on account of death in the immediate family up to and including a maximum of **three (3)** scheduled workdays at straight time, providing the employee attends the funeral. The term "immediate family" shall mean spouse, parent, child, brother, sister, father-in-law, mother-in-law, grandparents, grandchildren, step-mother, step-father, son-in-law, daughter-in-law, brother-in-law, sister-in-law and life partner. To be eligible the employee must have been scheduled to work the week of the death. In the case of a hardship, employee is to discuss it with the immediate supervisor.

If travel to the funeral of mother, father, brother, sister, children, spouse, step-mother or step-father exceeds a radius of **one hundred (100) miles** from the Village of Caseyville, an additional **two (2) days** with pay shall be granted. There shall be no loss of seniority while an employee is on bereavement leave. The Village may request an employee to present proof of funeral attendance.

ARTICLE X – LEAVE OF ABSENCE - SICK LEAVE – JURY DUTY

Section 1. Sick Leave.

- (a) Each full-time employee shall receive **twelve (12) sick days** annually. Employees shall be allowed to carry over from year to year any unused sick leave accumulating to a maximum of **ninety (90) days** total. If an employee leaves the Village for any reason before completing **twenty (20) years** of service he/she shall receive pay for **one-half (1/2)** the accumulated sick days up to a total of **ninety (90) days**. The total **ninety (90) days** accumulated shall be paid in full only if an employee leaves with **twenty (20) years** of service or if he/she retires under the IMRF retirement plan.
- (b) If illness prevents an employee from coming to work, the Office Manager shall be informed. The Village reserves the right to request satisfactory evidence of disability whenever absence due to illness constitutes a problem in the opinion of the

administrative of Caseyville. If an employee is injured in the building, no matter how slightly, the Office Manager shall be notified immediately.

Section 2. Leave Without Pay.

- (a) Unless otherwise provided in these rules and with prior approval of the Village Board, leave of absence without pay may be granted to employees for periods not to exceed **one (1) month**, and such leave may be extended for good cause for an additional **one (1) month** with the Village Board's approval.
- (b) Any employee, except an employee in a position or program financed in whole or in part by loans or grants made by the United States or any Federal Agency, who is elected or appointed to a Village office shall be required to resign.
- (c) No emergency or temporary employee shall be granted a leave of absence.
- (d) While an employee is on authorized leave of absence, they shall retain all seniority rights.

Section 3. Maternity Leave.

- (a) Employees shall be granted leaves of absence to cover period of their pregnancy. The length of such leaves shall not exceed **six (6) months**, but may be renewed pursuant to Article X, Section 2.
 - (1) A pregnant employee shall inform her immediate supervisor of her condition not later than **three (3) months** prior to her expected date of delivery and shall present to her immediate supervisor a written statement, signed by her physician, stating the expected date of delivery.
 - (2) A pregnant employee may continue in regular employment so long as her physician, upon request by the department head, states in writing that she is able to perform her normal work assignments.
 - (3) An employee who has been absent because of maternity leave may return to employment as soon as her physician advises the employing agency in writing that she is then able to perform her normal work assignments.
 - (4) If the Village Clerk has reason to believe that the employee is unable to perform her duties, it may seek and rely upon the decision of an impartial physician chosen by agreement of the parties. In the absence of agreement of an impartial physician, the department head will select a physician who is not a Village employee to act as an impartial physician. Sick leave and vacation may be used to cover periods of absence during pregnancy and convalescence not to exceed **six (6) months**.

Section 4. Leave Expiration; Employee Rights After Leave. When an employee returns from a leave of absence of **one (1) month** or less, the department head shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to commencement of such leave.

Section 4A. Failure to Return. Failure to return from leave within **five (5) days** after the expiration date may be cause for discharge.

Section 5. Military Reserve Training and Emergency Call-up Policy.

- (a) Any full-time employee who is a member of a reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia shall be allowed annual leave with pay for **one (1)** full pay period and such additions or extensions thereof without pay as may be necessary for the employee to fulfill the military reserve obligation. Such leaves will be granted without loss of seniority or other accrued benefits.
- (b) In case of an emergency call-up (or order to State active duty) by the Governor, the leave shall be granted for the duration of said emergency with pay and without loss of

seniority or other accrued benefit. Military earnings for the emergency call-up paid under the Illinois Military Code must be submitted and assigned to the employing agency, and the employing department shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earnings for the period, the employing agency shall return the difference to the employee.

- (c) To be eligible for military reserve leave or emergency call-up pay, the employee must provide the employing department with a certificate from the Commanding Officer of his/her unit that the leave taken was for either such purpose.

Section 6. Attendance in Court.

- (a) Any permanent employee called for jury duty or subpoenaed by any legislative judicial or administrative tribunal, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the Village Clerk.
- (b) Emergency or temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received thereof.
- (c) Permanent employees shall retain all seniority rights while serving on said jury.

ARTICLE XI – VACATION

Section 1. Eligibility.

- (a) Regular full-time employees shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another office.
- (b) Eligible employees shall earn vacation time in accordance with the following schedule:

One (1) year of service	Two (2) weeks' vacation
Five (5) years of service	Three (3) weeks' vacation
Ten (10) years of service	Four (4) weeks' vacation
Twenty (20) years of service	Five (5) weeks' vacation
Twenty-five (25) years of service	Six (6) weeks' vacation

Section 2. Prorated Vacation. Vacation time shall be earned and taken in increments of not less than **one (1) day** at a time, at any time after it is earned, if approved by the department head. The amount of vacation time earned by an employee after their first year of service shall be prorated based on the amount of time from the end of the first year of service to the end of the current calendar year. Vacation time shall not be accumulated for more than **five (5) days** in any **twelve (12) months** after the end of the calendar year in which it is earned.

Section 3. Vacation Schedule and Loss of Earned Vacation. In establishing vacation schedules, the department head shall consider the employee's seniority preference and the operating needs of the office. In any event, upon request vacation time must be scheduled so that it may be taken not later than the expiration of the calendar year in which such vacation time was earned. If an employee does not request and take accrued vacation time within such calendar, the vacation time earned during that calendar year shall be lost.

Section 4. Salary in Lieu of Vacation. No salary payment shall be made in lieu of vacation earned but not taken except on termination of employment for eligible employees with at least **twelve (12) months** continuous service, in which case the effective date of termination shall not be extended by the number of days represented by said salary payment.

ARTICLE XII – HOLIDAYS

Section 1. Authorized Holidays. The following days are to be recognized as authorized holidays for all employees covered by this Agreement:

New Year's Day	President's Day
Good Friday	Veteran's Day
Thanksgiving Day	Friday after Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	Personal Days (3)

Section 2. Holiday Observance. Where employees are scheduled and required to work on a holiday, they shall be paid their holiday pay plus **one and one-half (1 ½) times** their regular rate of pay for all hours worked with a minimum of **four (4) hours**. The employee may choose to take compensatory time off in lieu of **one and one-half (1 ½) times** regular rate of pay, at a proportionate rate, i.e. **one (1) hour** worked equals **one and one-half (1 ½) hours** compensatory time.

Section 3. Holiday During Vacation. When a holiday falls during an employee's vacation period an extra day shall be added to the employee's vacation.

Section 4. Eligibility for Holiday Pay. To be eligible for holiday pay the employee shall work the employee's last scheduled workday before the holiday and the first scheduled workday after the holiday, unless absence on either or both of these workdays is for good cause and approved by the Village Clerk or Office Manager.

Section 5. If the Water Department/Street Department receive any holidays not mentioned above, the office employees also receive the same Holidays.

ARTICLE XIII – WORK HOURS AND SCHEDULES

Section 1. Work Hours/Workweek. The work week shall be **forty (40) hours** per week, being **five (5) consecutive days** and **eight (8) hours** each of those days, as scheduled by the Employer. Employees are allowed **one (1) fifteen (15) minute** break during the first half of the work day and a second **fifteen (15) minute** break during the second half of the work day. Breaks shall only be taken when there is adequate coverage to maintain full Village operations.

Section 2. Overtime. All work before or after an employee's regular **eight (8) working hours** shall be at the overtime rate of time and one-half (1 ½) the regular rate of pay. All overtime worked must have prior approval of the Village Clerk or Office Manager. Overtime work shall be distributed as equitable as possible among qualified employees competent to perform the services required. When overtime is required, employees shall be given as much advance notice as possible. Except where required by law, time spent in travel shall not be considered overtime. An employee may choose to take compensatory time off, in lieu of overtime pay, at a proportionate rate, i.e. **one (1) hour** of overtime equals **one and one-half (1 ½) hours** compensatory time. Any employee called back to work after they have completed their normal work day and left the premises of the employer, or any employee called to work on a scheduled day off, will receive a minimum of **two (2) hours** of pay at the rate of **one and one-half (1 ½) times** their normal rate of pay.

Section 3. Overtime Payable Upon Death. Upon the death of an employee, a duly authorized person shall be entitled to receive the sum of the deceased employee's accrued overtime as would have been paid or allowed to such deceased employee had the employee survived. An employee shall be able to submit to a duly authorized person, a notarized letter or from designating a beneficiary to whom this

compensation would be paid. **One (1) copy** to be filed with the Village Clerk and **one (1) copy** to be retained by the employee.

Section 4. Attendance Record. Each department shall maintain accurate daily attendance records.

Section 5. Review of Attendance Records. An employee shall have the right to review his attendance record on file in his operating department.

Section 6. Undated Forms. No supervisor or other person in a position of authority shall demand or request that any employee sign an undated resignation or any blank form. No employee shall be required to sign such a form. Any such demands shall entitle the employee to immediate appeal to the Village Clerk.

Section 7. Incomplete Forms. Any information placed on a form or any modification or altering of existing information made on a form subsequent to having been signed by an employee shall be null and void insofar as it may affect the employee, the employee's position, or condition of employment. Any employee required to sign any form prepared pursuant to these rules shall be given a copy of it at the time the employee's signature is affixed.

ARTICLE XIV – GENERAL REGULATIONS

Section 1. Resignation. An employee who voluntarily leaves the Village service shall, except in emergency circumstances approved by the Village Clerk, give advance notice of intent not less than **fifteen (15) calendar days** before its effective date. Resignation in good standing shall mean that the employee gave the required notice, or that emergency circumstances justified failure to do so, and that the employee's conduct and work performance were satisfactory at the effective date thereof.

Section 2A. Leave of Absence for Educational Purposes. The Village Clerk may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless, in the judgement of the department head, the training course would benefit the department by improving the employee's qualifications to perform the duties of the employee's position.

Section 2B. Leave of Absence for Educational Purposes. The Village agrees to pay each employee the employee's hourly wage while the employee is traveling to and from school, if said school is required for employment or is authorized by the Village. This rate will only be paid if the employee is on their own time.

Section 2C. Leave of Absence for Educational Purposes. The Village also agrees to pay employee's mileage to and from authorized school at the current applicable Federal Rate as determined by the Internal Revenue Service.

ARTICLE XV – HEALTH AND WELFARE AND PENSION

Section 1. Hospitalization. The Village shall continue to make available to employees covered by this Agreement and their dependents the current level of group hospital, medical insurance and rates as they exist as of the date of this Agreement. The Village reserves the right to change insurance carriers, benefit levels or to self-insure as it deems appropriate, with alternatives as supplied by an Insurance Search Committee, as long as the new benefits for the bargaining unit employees are substantially equal to those in effect when this Agreement is ratified.

The Village plan shall have a **Two Thousand Five Hundred Dollar (\$2,500.00)** deductible. The Village shall reimburse the employee up to the **Two Thousand Five Hundred Dollar (\$2,500.00)** deductible based upon receipt of the invoice of the medical provider and the explanation of benefits referencing the charges from such medical provider. Effective **June 1, 2013** the employees will contribute via a payroll deduction the following amounts on a monthly basis toward the premium for the employee's chosen insurance coverage:

Employee	\$29.24
Employee + Child	\$55.48
Employee + Spouse	\$55.34
Family	\$81.62

Contingent upon the participation of the required number of Village employees needed to establish the plans, the Employer agrees to make available a dental insurance plan for employees and their dependents. The Village plan shall have a **Fifty Dollar (\$50.00)** deductible for individuals and a **One Hundred Fifty Dollar (\$150.00)** deductible for families. The Village shall reimburse the employee the deductibles based upon the receipt of the invoice from the medical provider and the explanation of benefits referencing the charges from such medical provider. Effective upon the establishment of the dental insurance plan, the employees will contribute via a payroll deduction the following amounts on a monthly basis toward the dental insurance premiums for the employee's and their dependent's dental insurance coverage:

Employee	\$5.05
Employee + Child	\$12.17
Employee + Spouse	\$10.10
Family	\$17.30

Section 2. Life Insurance. The Employer shall supply each employee covered by the terms of this Agreement with **Ten Thousand Dollars (\$10,000.00)** of term life insurance.

Section 3. Each full-time employee may participate in the Illinois Municipal Retirement Fund.

ARTICLE XVI – MISCELLANEOUS

Section 1. The Employer shall furnish, at no cost to the employee, all tools, equipment, supplies, etc. required by the Employer for the employees to perform their duties. If equipment needs service, the Office Manager shall be notified to authorize service call.

Section 2. The Employer shall allow the Union space on the bulletin boards for the Union to post notices.

Section 3. The Employer shall pay the full cost of all pre-employment physicals or any physical required by the Employer.

Section 4. When any matters directly concern the Office Manager, and there are notifications to, or approvals by, the Office Manager under the terms of this Agreement, the notifications or approvals will then be handled by the Village Clerk.

ARTICLE XVII – WAGES

The rate of pay shall be as follows:

Clerk:

Effective **June 1, 2013** - **\$22.24** per hour
Effective **June 1, 2014** - **\$22.80** per hour
Effective **June 1, 2015** - **\$23.37** per hour

Deputy Clerk:

Effective **June 1, 2013** - **\$22.79** per hour
Effective **June 1, 2014** - **\$23.35** per hour
Effective **June 1, 2015** - **\$23.92** per hour

Office Manager:

Effective **June 1, 2013** - **\$22.79** per hour
Effective **June 1, 2014** - **\$23.35** per hour
Effective **June 1, 2015** - **\$23.92** per hour

New employees' rate of pay shall be **Two Dollars (\$2.00)** less than the full rate of pay. A **Fifty Cent (\$0.50)** increase every **six (6) months** shall be paid to the new employee plus any raise that was negotiated into the contract. New employee shall reach the full rate of pay in **eighteen (18) months**. Pay period will be every **two (2) weeks** on Friday.

ARTICLE XVIII – LAYOFFS

At such time the Village determines that in its judgment a layoff of any of the Collective Bargaining Unit members is necessary, in the best financial interest of the Village, the Village will notify the Union no less than **ten (10) working days** in advance of the implementation date of the layoff. The Village and the Union agree to meet to discuss the layoffs. The Village and Union agree that they will engage in bargaining over the effects of any layoffs implemented by the Village. The Village and Union further agree that while they will meet to discuss the layoffs, such a meeting and discussion of alternatives will not constitute a requirement that the Village engage in decisional bargaining with regard to the layoff of any of the bargaining unit members for financial or fiscal reasons.

ARTICLE XIX – CLOTHING ALLOWANCE

Each employee working under this Agreement shall receive a clothing allowance of **Three Hundred Twenty-Five Dollars (\$325.00)** per year. Employees are to wear appropriate attire containing the Village seal.

ARTICLE XX – D.R.I.V.E. AUTHORIZATION/DEDUCTION

The Company agrees to deduct from the paycheck of all employees covered by this Agreement voluntary contributions to D.R.I.V.E. upon the Union providing the Company a signed statement from each employee who voluntarily agrees to donate to D.R.I.V.E. and immediately forwards any cancellation of authorization. D.R.I.V.E. shall notify the Company of the amounts designated by each contributing employee that are to be deducted from his/her paycheck on a weekly basis for all weeks worked. The phrase "weeks worked" exclude any week other than a week in which the employee earned a wage. The Company shall transmit to D.R.I.V.E. National Headquarters on a monthly basis, in **one (1) check**, the total amount deducted along with the name of each employee on whose behalf a deduction is made, the employee's social security number and the amount deducted from the employee's paycheck. The Union

shall indemnify, defend and hold the Company harmless against any and causes of action, charges, claims and demands and liabilities that shall arise out of, or by reason of any action that shall be taken by the Company for the purpose of complying with this Article.

ARTICLE XXI – TERMINATION

Section 1. THIS AGREEMENT shall become effective as of the **first (1st) day of June, 2013**, and shall remain in full force and effect until the **first (1st) day of June, 2016** and each year thereafter unless written notice of termination or desired modification is given at least **sixty (60) days** prior to any yearly expiration date by either of the parties hereto.

IN WITNESS WHEREOF, the parties hereto by their duly authorized representatives have hereunto set their hands and seal this 25th day of February, 2014.

EMPLOYER:

VILLAGE OF CASEYVILLE, IL
909 SOUTH MAIN STREET
CASEYVILLE, IL 62232

/s/ Leonard Black

DATE: February 25, 2014

UNION:

TEAMSTERS, AUTOMOTIVE,
PETROLEUM AND ALLIED TRADES
LOCAL UNION NO. 50,
Belleville, IL, affiliated with the
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

/s/ Mark Beil

Secretary-Treasurer
Business Representative

DATE: February 24, 2014

By: /s/ Scott Alexander

President
Business Agent

DATE: February 24, 2014

LIQUOR

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	GENERALLY	
	Section 21-1-1 - Title	21-1
	Section 21-1-2 - Definitions	21-1
II	LICENSES	
	Section 21-2-1 - License Required	21-5
	Section 21-2-2 - Applications	21-5
	Section 21-2-3 - Examination of Applicant	21-6
	Section 21-2-4 - Prohibited Licensees	21-6
	Section 21-2-5 - Term; Fee Submitted in Advance	21-7
	Section 21-2-6 - Classes of Licenses; Term; Annual Fees	21-7
	Section 21-2-7 - Nature of License	21-8
	Section 21-2-8 - Limitation of Licenses	21-8
	Section 21-2-9 - Display of License	21-9
	Section 21-2-10 - Record of Licenses	21-9
	Section 21-2-11 - Dramshop Insurance	21-9
III	REGULATIONS	
	Section 21-3-1 - Hours	21-10
	Section 21-3-2 - Prohibited Locations	21-10
	Section 21-3-3 - Change of Location	21-10
	Section 21-3-4 - Transporting in Motor Vehicles	21-10
	Section 21-3-5 - Open Liquor "Cup-to-Go" Prohibited	21-10
	Section 21-3-6 - Restricted Residential Areas	21-11
	Section 21-3-7 - Unlawful Acts	21-11
	Section 21-3-8 - Unlawful Entertainment	21-11
	Section 21-3-9 - Sanitary Conditions	21-11
	Section 21-3-10 - Diseased Employees	21-11
	Section 21-3-11 - Health Permit	21-12
	Section 21-3-12 - Peddling	21-12
	Section 21-3-13 - Disorderly House	21-12
	Section 21-3-14 - Prohibited Sales - Generally	21-12
	Section 21-3-15 - Posting Warnings	21-12
	Section 21-3-16 - Gambling	21-12
	Section 21-3-17 - Inspections	21-12
	Section 21-3-18 - Books and Records---Available Upon Reasonable Notice and Maintained in State Records	21-13
	Section 21-3-19 - Restrictions on Licensee	21-13
	Section 21-3-20 - Misbranding	21-13
	Section 21-3-21 - Beer Gardens	21-13
	Section 21-3-22 - Adult Businesses	21-14
IV	PROVISIONS REGARDING UNDERAGE PERSONS	
	Section 21-4-1 - Stores Selling School Supplies, Lunches, Etc.	21-15
	Section 21-4-2 - Liquor in Vehicles; Underage	21-15
	Section 21-4-3 - Persons Selling Liquor	21-15

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IV	PROVISIONS REGARDING UNDERAGE PERSONS (CONTINUED)	
	Section 21-4-4 - Underaged; Entry on Licensed Premises	21-15
	Section 21-4-5 - Unlawful Purchase of Liquor	21-15
	Section 21-4-6 - Transfer of Identification Card; Possession; Consumption	21-15
	Section 21-4-7 - Selling False Identification	21-15
	Section 21-4-8 - False Identification	21-16
	Section 21-4-9 - Underaged Drinking on Streets	21-16
	Section 21-4-10 - Residential Drinking	21-16
	Section 21-4-11 - Renting Hotel Rooms for Drinking	21-16
	Section 21-4-12 - Legal Identification Required	21-16
	Section 21-4-13 - Exclusionary Provision	21-16
V	VIOLATIONS AND REVOCATION	
	Section 21-5-1 - Owner of Premises Permitting Violation	21-17
	Section 21-5-2 - Acts of Agent or Employee - Liability; Knowledge	21-17
	Section 21-5-3 - Revocation of License after Conviction	21-17
	Section 21-5-4 - Revocation of License When Employee Convicted	21-17
	Section 21-5-5 - Abatement of Place Used in Violation	21-17
	Section 21-5-6 - Use of Premises for One Year After Revocation	21-17
	Section 21-5-7 - Revocation of Licenses	21-17
	Section 21-5-8 - Complaint by Residents	21-18
	Section 21-5-9 - Revocation or Suspension of Local License; - Notice and Hearing	21-18
VI	APPEALS; SUBSEQUENT VIOLATIONS	
	Section 21-6-1 - Appeals From Order of Liquor Commissioner	21-20
	Section 21-6-2 - Subsequent Violations in a Year	21-20
	Section 21-6-3 - Appeal Limitations for Subsequent Violation	21-20
	Section 21-6-4 - Enforcement and Penalties	21-20

CHAPTER 21

LIQUOR

ARTICLE I – GENERALLY

21-1-1 TITLE. The Village hereby incorporates “The Liquor Control Act,” **235 ILCS 5/1-1 et seq.**, by reference.

21-1-2 DEFINITIONS. Unless the context otherwise requires, words and phrases are used in this Chapter as generally and reasonably understood and as listed in the Illinois Compiled Statutes, **235 ILCS 5/1-1 et seq.**, titled Liquor Control Act. For clarification purposes, the following definitions are set out below:

“ADULT BUSINESS” is defined as any establishment having as a substantial or significant portion of its stock in trade or business activity in use such as, but not limited to, the following: adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors, rap parlors, adults-only cabarets or adults-only saunas, where nudity and/or explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

“ALCOHOL” means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

“ALCOHOLIC LIQUOR” includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(235 ILCS 5/1-3.05)**

“BEER” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. **(235 ILCS 1-3.04)**

“BEER GARDEN” means a privately owned outdoor facility that is adjacent to a premises licensed for operation as a business within the Village and further licensed to sell alcohol for consumption on the premises pursuant to authority granted by a local liquor license issued by the Liquor Control Commissioner and a state liquor license issued by the State of Illinois.

“CATERER RETAILER” means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. **(235 ILCS 5/1-3.34)**

“CLOSE” means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

“CLUB” means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the

reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(235 ILCS 5/1-3.24)**

"CORPORATION" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois. **(Rule 100.10(b))**

"DISTILLED SPIRITS". See "Spirits".

"EVENT" means a single theme. **(Rules and Regulations 100.10(o))**

"HOTEL" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **twenty-five (25)** or more rooms are used for the sleeping accommodations of such guests and having **one (1)** or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. **(235 ILCS 5/1-3.25)**

"LIQUOR CONTROL COMMISSIONER" means the Mayor of the Village who has the responsibility and authority to administer the provisions of the Chapter including, but not limited to, the issuance of liquor licenses, the revocation or suspension of liquor licenses, and the keeping of records regarding all liquor licenses.

"MANAGER" OR "AGENT" means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe. **(Rule 100.10(f))**

"MAYOR" means the Local Liquor Control Commissioner as provided in the **Illinois Compiled Statutes, Chapter 235, entitled "Dramshop"** and all references to Liquor Commissioner shall refer to the Mayor unless otherwise provided.

"MEAL" means food that is prepared and served on the licensed premises and excludes the serving of snacks. **(Rules and Regulations 100.10(n))**

"ORIGINAL PACKAGE" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. **(235 ILCS 5/1-3.06)**

"PACKAGE LIQUOR STORE" means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

"PARTNER" is any individual who is a member of a co-partnership. "Co-partnership" means an association of **two (2)** or more persons to carry on as co-owners of a business for profit. **(Rules and Regulations 100.10(d)(e))**

"PREMISES/PLACE OF BUSINESS" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. **(Rules and Regulations 100.10(g))**

"PRIVATE FUNCTION" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

"PROOF OF AGE" is a document with photograph issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces.

"PUBLIC PLACE" means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms **"public place"** and **"public premises"** shall be interchangeable for the purposes of this Chapter.

"RESIDENT" means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least **one (1) year** and in the city, village and county in which the premises covered by the license are located for at least **ninety (90) days** prior to making application for such license and is a registered voter. **(Rule 100.10(a))**

"RESTAURANT" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. **(235 ILCS 5/1-3.23)**

"RETAILER" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.17)**

"SALE" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(235 ILCS 5/1-3.21)**

"SELL AT RETAIL" and "SALE OF RETAIL" refer to any mean sales for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.18)**

"SPECIAL EVENT" means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. **(235 ILCS 5/1-3.30)**

"SPECIAL EVENTS RETAILER" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license. **(235 ILCS 5/1-3.17.1)**

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such

liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(235 ILCS 5/1-3.02)**

"TO SELL" includes to keep or expose for sale and to keep with intent to sell. **(235 ILCS 5/1-3.22)**

"WINE" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. **(235 ILCS 5/1-3.03)**

[All references to "Rules" refer to Illinois Liquor Control Commission Rules located in Title 11; Subtitle A; Chapter 1; Part 1; Section 100.5 et seq. of the Illinois Administration Code.]

(Ord. No. 1043; 12-19-07)

ARTICLE II - LICENSES

21-2-1 LICENSE REQUIRED. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Mayor of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the **Illinois Liquor Control Commissioner of the State of Illinois**.

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(235 ILCS 5/4-1)**

21-2-2 APPLICATIONS. The Mayor is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter and by the **Illinois Liquor Control Act**, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Municipal Clerk, with the seal of the Village affixed thereto.

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

(A) The name, age, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the purpose for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

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

(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G) Whether applicant has never been convicted of a felony and whether applicant is disqualified to receive a license by reason of any matter or thing contained in the **Illinois Liquor Control Act** or in this Chapter or resolution and amendments thereto.

(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That applicant will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of the applicant's place of business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **two (2) members** of such partnership, firm, association or club, or by the president and secretary of such corporation.

All applications for a liquor license must be accompanied by a fingerprint card of each applicant, if an individual, or the manager of the retail liquor business of the applicant, if not an individual, taken by

the Caseyville Police Department, and a **Fifty Dollar (\$50.00)** non-refundable state police processing fee made payable to the Caseyville Village Clerk. The Police Chief shall have the responsibility to forward fingerprints to the Illinois State Police and the Federal Bureau of Investigation for background checks. The results shall be forwarded to the Mayor upon receipt.

One (1) copy of the application shall be retained by the Mayor and **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. **(235 ILCS 5/7-1)**

21-2-3 EXAMINATION OF APPLICANT. The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Mayor under this Section, he may authorize his agent to act on his behalf. **(235 ILCS 5/4-5)**

21-2-4 PROHIBITED LICENSEES. No retail license shall be issued by the Mayor to the following:

- (A) A person who is not a resident of this municipality.
- (B) A person who is not **twenty-one (21) years** of age.
- (C) A person who has been convicted of a felony under any federal or state law if the Mayor determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.
- (D) A person who has been convicted of being the keeper of or is keeping a house of ill-fame.
- (E) A person who has been convicted of pandering or other crime or misdemeanor regarding decency or morality.
- (F) A person whose license has previously been revoked for cause.
- (G) A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon first application.
- (H) A partnership, if any general partner thereof or any limited partner thereof, owning more than **five percent (5%)** of the aggregate partner interest in such partnership would not be eligible to receive a license hereunder for any reason.
- (I) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than **five percent (5%)** of such corporation, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence.
- (J) A corporation unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the **"Business Corporation Act of 1983"** to transact business in Illinois.
- (K) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.
- (L) Any person, association, or corporation not eligible for a state retail liquor license.
- (M) A person who is not of good character and reputation in the community in which he resides.
- (N) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Code or has forfeited his bond to appear in court to answer charges for any such violation.

(O) A person who does not own the premises for which a license is sought, or does not rent or have a lease thereon for the full period for which the license is to be issued.

(P) Any law enforcing public official, including members of local liquor control commissions, any Mayor, or member of the village board of trustees; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and the Mayor.

(Q) A person who is not a beneficial owner of the business to be operated by the licensee.

(R) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of the "Criminal Code of 1961", approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(S) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.

(T) A partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

(U) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than **twenty percent (20%)** of the stock of such corporation has been issued a federal wagering stamp for the current tax period.

(V) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

(W) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in the Illinois Liquor Control Act. **(235 ILCS 5/6-21)**

(X) A person who is delinquent in the payment of any indebtedness or obligation to the Village.

21-2-5 **TERM; FEE SUBMITTED IN ADVANCE.** Liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** of **July 16th** through **July 15th** of the following year unless sooner revoked or suspended. The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Liquor Control Commissioner as herein provided. Whenever a personal check from the applicant is returned by his/her bank because of insufficient funds, the license granted the applicant shall be revoked. In the event the license is denied, the license fee shall be returned to the applicant minus a **Fifty Dollar (\$50.00)** processing fee. The fees shall be deposited in the Village General Fund. The application for a license shall be filed with the Village Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation **must submit** the new manager's name within **thirty (30) days**. Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter. If for some reason the manager is not acceptable, the licensee shall have **thirty (30) days** to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. **(235 ILCS 5/4-1)**

21-2-6 **CLASSES OF LICENSES; TERM; ANNUAL FEES.** Licenses as set forth in this Section shall be divided into **five (5)** classes as listed below with annual fees for such licenses to be

governed and controlled by the Village Fee Ordinance. Nothing in this Section shall prevent the transfer as part of a bona fide sale of the business so long as the purchaser meets all requirements to qualify for a liquor license and is not disqualified for any other reason.

(A) **Class "A" Licenses.** Class "A" licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be **Seven Hundred Dollars (\$700.00)**.

(B) **Class "B" Licenses.** Class "B" licenses shall authorize the retail sale of alcoholic liquor, for consumption on the premises in clubs, as defined by this Code. The annual fee for such license shall be **Seven Hundred Dollars (\$700.00)**.

(C) **Class "C" Licenses.** Class "C" licenses shall authorize the retail sale of alcoholic liquor, said liquor not to be consumed on premises. The annual fee for such license shall be **Six Hundred Dollars (\$600.00)**.

(D) **Class "D" Licenses.** Class "D" licenses shall authorize the retail sale of alcoholic liquor in restaurants and hotels, said liquor to be consumed on the premises. The annual fee for such license shall be **Six Hundred Dollars (\$600.00)**.

(E) **Class "E" Licenses.** Upon application, the Liquor Commissioner is authorized to issue a Class "E" special event license, for the retail sale of alcoholic liquor, for use and consumption at the location and for the specific date(s) for the special event in the license. The license applies to all retailer possessing an Illinois State Liquor License and fraternal, educational, political, civic, religious and not-for-profit organizations that maintain the responsibility for serving and/or selling alcoholic beverages at special events. For this license, an applicant is not required to be a resident of this municipality, but all other provisions under this Section remain applicable. The license shall be issued for retail sales only at the location and on the specific dates designated for the special event. An applicant must provide proof that it has dramshop liability insurance in the maximum limits under the law. The application fee for this special event license shall be **Twenty-Five Dollars (\$25.00)**. (Ord. No. 1617; 09-07-16)

(235 ILCS 5/4-1) (Ord. No. 1044; 12-19-07) (See Section 21-3-21 – Beer Gardens)

21-2-7 **NATURE OF LICENSE.** A license issued under this Chapter shall be purely a personal privilege, valid only for and not to exceed **one (1) year** after issued unless sooner revoked as set out in this Chapter, and shall not constitute property interest of any kind nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee, and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. **(235 ILCS 5/6-1) (See Attorney General's Report No. 703; 01-08-48)**

21-2-8 **LIMITATION OF LICENSES.**

(A) **Annexing License Holders.** The restrictions contained in this Chapter shall in no way affect taverns and other business(es) holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the municipality. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

(B) **Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than **ninety (90) days** without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the **ninety (90) day period**, then, in that event, the Mayor shall extend the period of time for which a liquor license may be held by the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional **ninety (90) days**. If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that

particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met. **(235 ILCS 5/4-1)**

(C) **Change in Ownership.** Any transfer of ownership of a licensed premises shall require the new owner to submit an application and license fee which will be acted upon in accordance with the provisions of this Section. Any new owner of a previously licensed premises shall not sell any alcoholic beverages until such time as the new license has been issued by the Liquor Control Commissioner.

21-2-9 DISPLAY OF LICENSE. Every licensee under this Chapter shall cause the license to be framed and hung in plain view in a conspicuous place on the licensed premises. Every licensee under this Chapter at the time of application shall cause the appropriate Fire Department to determine the maximum number of occupants permitted within the premises at any **one (1) time**. This shall also be framed and hung in plain view in a conspicuous place near his license on the licensed premises. Failure to comply with the maximum number of occupants shall be grounds for closure. **(235 ILCS 5/6-24)**

21-2-10 RECORD OF LICENSES. The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours**. **(235 ILCS 5/4-1)**

21-2-11 DRAMSHOP INSURANCE. No license shall be issued unless the applicant shall file with the Village Clerk, at the time of application, a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has insurance coverage up to the full amount of potential liability as established by the Illinois Liquor Control Act. **(235 ILCS 5/6-21)**

(Ord. No. 1043; 12-19-07)

ARTICLE III - REGULATIONS

21-3-1 HOURS. It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village between the hours of **one o'clock (1:00) A.M.** and **six o'clock (6:00) A.M.** on Monday through Friday, and between the hours of **two o'clock (2:00) A.M.** and **six o'clock (6:00) A.M.**, on Saturdays and Sundays, during which same hours the premises shall not be open to the public.

The times referred to above shall refer to Daylight Savings Time when the same is in effect in the Village, and upon cessation of Daylight Savings Time, shall mean Central Standard Time.

No licensee shall permit any person to consume any alcoholic liquor on the licensed premises during the hours prohibiting sale as specified in this Section, and all customers of said licensee shall vacate said licensed premises during the prohibited hours as specified in this Section. It shall be the responsibility of the licensee to see to the vacation of the premises as provided herein.

No person or persons other than the licensee, his servants and employees, including persons employed as entertainers, shall be allowed to remain in any licensed premises during the prohibited hours as specified in this Section. This paragraph shall not be construed as permitting consumption of alcoholic beverages on the licensed premises during the prohibited hours as specified in this Section. **(235 ILCS 5/4-1)**

21-3-2 PROHIBITED LOCATIONS. Except as provided below, no license shall be issued for the sale of any alcoholic liquor at retail within **five hundred (500) feet** of any church, school (other than an institution of higher learning), any other premises holding Class "A" or "B" Liquor License, hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station. In the case of a church or school, the distance of **five hundred (500) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. The prohibitions in this Section shall not apply to any hotel or restaurant with annual gross revenue exceeding \$1,000,000. Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common purpose other than the sale or consumption of alcoholic liquors. **(235 ILCS 5/6-11)**

The amendment made by this Section shall not apply to any current license holder who maintains his/her license continuously, without interruption, or the transfer of any license maintained continuously under this exemption as part of a bona fide sale of the business. Current license holders, as of the date of enactment of this Ordinance, shall not be denied renewal of a liquor license for failure to comply with this Amendment.

The Village may relax the distance prohibition provided above by issuing a special-use permit to the liquor license applicant. The procedures for the issuance of a special-uses permit are outlined in Section 40-2-115, hereinafter amended.

21-3-3 CHANGE OF LOCATION. A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the Code of this municipality. **(235 ILCS 5/7-14)**

21-3-4 TRANSPORTING IN MOTOR VEHICLES. No person shall, within this municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-5 **OPEN LIQUOR "CUP-TO-GO" PROHIBITED.** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a "**cup-to-go**".

21-3-6 **RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Development Code. **(See Chapter 40 of the Village Code)**

21-3-7 **UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the Village, to-wit:

(A) Drink any alcoholic liquor on any public street, alley, sidewalk or other public way, without special permission granted by the Mayor.

(B) Drink any alcoholic liquor in any Village park, without special permission granted by the Mayor.

(C) Drink any alcoholic liquor on any private property without permission of an owner of the private property.

(D) Appear on or in any public street, alley, sidewalk, park or other public place in an intoxicated condition.

21-3-8 **UNLAWFUL ENTERTAINMENT.** No licensee, agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees, **[topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward]**, or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

Nor shall any licensee, his agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on premises in this municipality licensed to sell alcoholic liquor are prohibited:

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

(B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, genitals, vulva, or anus;

(E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

21-3-9 **SANITARY CONDITIONS.** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. **(410 ILCS 650/1, et seq.)**

21-3-10 **DISEASED EMPLOYEES.** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. **(410 ILCS 650/10)**

21-3-11 **HEALTH PERMIT.** Every licensee shall have, at all times, a valid operating permit from the St. Clair County Health Department, which regulates health standards.

21-3-12 **PEDDLING.** It shall be unlawful to peddle alcoholic liquor in this municipality.
(235 ILCS 5/4-1)

21-3-13 **DISORDERLY HOUSE.** Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. **(235 ILCS 5/4-1)**

21-3-14 **PROHIBITED SALES - GENERALLY.** No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. **(235 ILCS 5/6-16)**

21-3-15 **POSTING WARNINGS.** In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk, and which shall read as follows:

UNDERAGE LIQUOR WARNING

“YOU ARE SUBJECT TO A FINE UP TO \$750 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.”

GOVERNMENT WARNING

“ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF BIRTH DEFECTS.”
(235 ILCS 5/4-1)

21-3-16 **GAMBLING.** It is unlawful to keep, place, maintain or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away in a Class “A” or “B” license, except in the following instances:

(A) **Bingo.** When conducting or participating in the game commonly known as Bingo, when conducted in accordance with the Bingo License and Tax Act **(230 ILCS 25/1 et seq.);**

(B) **Video Poker.** Video Gaming Terminal games at a licensed establishment, licensed fraternal organization, or licensed veteran’s establishment, when conducted in accordance with the Video Gaming Act **(230 ILCS 40/1 et seq.)**

21-3-17 **INSPECTIONS.** It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police, any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof. **(235 ILCS 5/4-4)**

21-3-18 **BOOKS AND RECORDS---AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS.** It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Mayor having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. **(235 ILCS 5/6-10)**

21-3-19 **RESTRICTIONS ON LICENSEE.** In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(235 ILCS 5/6-5)**

(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. **(235 ILCS 5/6-17)**

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. **(235 ILCS 5/6-19)**

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. **(235 ILCS 5/6-22)**

(E) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the Liquor Commissioner on the grounds of non-use. **(See Goode V. Thomas 31 Ill. App. 3d 674, 1975)**

21-3-20 **MISBRANDING.** Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Chapter. **(235 ILCS 5/10-6)**

21-3-21 **BEER GARDENS.** Any holder of a Class "A", Class "B" or Class "D" liquor license issued by the Village may operate a Beer Garden, under the authority granted by such liquor license, and pursuant to the following additional regulations:

(A) The location of the Beer Garden must be entirely within the perimeter of the premises on which the liquor license is issued;

(B) The Beer Garden must not be within **fifteen (15) feet** of any entrance to a public place or place of employment;

(C) The Beer Garden must not be within **fifteen (15) feet** of any windows that open or ventilation intakes that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter said enclosed area through the open window or ventilation intake;

(D) The Beer Garden must not be within **fifteen (15) feet** of a structure used for residential purposes;

(E) The Beer Garden must be enclosed with a fence or wall that is not less than **sixty (60) inches** in height and that precludes passage through such fence or wall other than through a clearly marked entrance or exit;

(F) The Beer Garden must have **one (1)** or more entrances or gates, of which each entrance or gates shall not exceed a total number of **four (4)**;

(G) No person under the age of **twenty-one (21)** shall enter a Beer Garden. It shall be the responsibility of the licensee, owners, operators and employees to enforce this age provision

by providing a responsible person or persons to check and establish the age of each person in the Beer Garden;

(H) The Beer Garden shall not be occupied at any time other than the operating hours of the business holding the local liquor license;

(I) The Beer Garden shall be adequately lighted for the safety of all customers;

(J) No live entertainment shall be permitted in the Beer Garden at any time without a special use permit **(Twenty-Five Dollars (\$25.00))**;

(K) No amplified sound or music shall be permitted in the Beer Garden at any time without a special use permit **(Twenty-Five Dollars (\$25.00))**;

(L) The occupancy limit for the Beer Garden shall be conspicuously posted within the Beer Garden;

(M) The Beer Garden is subject to any other requirements imposed by the Village, as well as any and all ordinances of the Village including, but not limited to, the Development Code.

(Ord. No. 2018-09; 04-04-18)

21-3-22 **ADULT BUSINESSES.** No adult business shall sell, offer for sale, possess, display or allow the consumption of any alcoholic liquor upon any portion of its property. In addition, no liquor license shall be issued for the sale of any alcoholic liquor at retail within **one thousand (1,000) feet** of any adult business.

(Ord. No. 1043; 12-19-07)

ARTICLE IV - PROVISIONS REGARDING UNDERAGE PERSONS

21-4-1 **STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. **(235 ILCS 5/6-12)**

21-4-2 **LIQUOR IN VEHICLES; UNDERAGE.** The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

- (A) If such liquor is found on the person of one of the occupants therein; or
- (B) If such vehicle contains at least one occupant over **twenty-one (21) years of age.**

21-4-3 **PERSONS SELLING LIQUOR.** It shall be unlawful for any person under the age of **twenty-one (21) years** to attend any bar or to sell, draw, pour, mix, serve or accept payment for any alcoholic liquor in any licensed retail premises. **(235 ILCS 5/4-1)**

21-4-4 **UNDERAGED; ENTRY ON LICENSED PREMISES.** It shall be unlawful for any person under the age of **twenty-one (21) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" or a Class "B" liquor license, unless accompanied by a parent or legal guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

No holder of a liquor license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **twenty-one (21) years** not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this Section, any holder of a liquor license or his agent or employee may refuse to permit entry, onto the licensed premises of any person under the age of **twenty-one (21) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **twenty-one (21) years** is that person's parent or legal guardian. **(235 ILCS 5/4-1)**

21-4-5 **UNLAWFUL PURCHASE OF LIQUOR.** Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age (under **twenty-one (21) years**) shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his or her possession. **(235 ILCS 5/6-20)**

21-4-6 **TRANSFER OF IDENTIFICATION CARD; POSSESSION; CONSUMPTION.** No person shall transfer, alter or deface an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter.

The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. **(235 ILCS 5/6-20)**

21-4-7 **SELLING FALSE IDENTIFICATION.** Any person who sells, gives, or furnishes to any person under the age of **twenty-one (21) years** any false or fraudulent written, printed, or

photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of **twenty-one (21) years** evidence of age and identification of any other person is guilty of violating this Code. **(235 ILCS 5/6-16)**

21-4-8 **FALSE IDENTIFICATION.** Any person under the age of **twenty-one (21) years** who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code. **(235 ILCS 5/6-16)**

21-4-9 **UNDERAGED DRINKING ON STREETS.** Any person under the age of **twenty-one (21) years** who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public within this Village is guilty of violating this Code. This section does not apply to possession by a person under the age of **twenty-one (21) years** making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. **(235 ILCS 5/6-16)**

21-4-10 **RESIDENTIAL DRINKING.** Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence, which he or she occupies, of **two (2) or more persons** where any one or more of the persons is under **twenty-one (21) years** of age and the following factors also apply:

(A) the person occupying the residence knows that any such person under the age of **twenty-one (21) years** is in possession of or is consuming any alcoholic beverage; and,

(B) the possession or consumption of the alcohol by the person under **twenty-one (21) years** is not otherwise permitted by this Code.

For the purposes of this Section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. **(235 ILCS 5/6-16)**

21-4-11 **RENTING HOTEL ROOMS FOR DRINKING.** Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years** shall be guilty of violating this Code. **(235 ILCS 5/6-16)**

21-4-12 **LEGAL IDENTIFICATION REQUIRED.** If a licensee or his agents or employees, believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive legal photographic identification, containing proof of age, issued by a public officer in the performance of his official duties. Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefore or in any proceedings for the suspension or revocation of any license based thereon.

21-4-13 **EXCLUSIONARY PROVISION.** The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Chapter.

(Ord. No. 1043; 12-19-07)

ARTICLE V - VIOLATIONS AND REVOCATION

21-5-1 **OWNER OF PREMISES PERMITTING VIOLATION.** If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. **(235 ILCS 5/10-2)**

21-5-2 **ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. **(235 ILCS 5/10-3)**

21-5-3 **REVOCATION OF LICENSE AFTER CONVICTION.** Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Mayor, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. **(235 ILCS 5/10-4)**

21-5-4 **REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED.** Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license may, in the discretion of the Mayor, be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. **(235 ILCS 5/10-5)**

21-5-5 **ABATEMENT OF PLACE USED IN VIOLATION.** Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, or concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. **(235 ILCS 5/10-7)**

21-5-6 **USE OF PREMISES FOR ONE YEAR AFTER REVOCATION.** When any license has been revoked for any cause, no license shall be granted for the same premises for a period of **one (1) year** thereafter. **(235 ILCS 5/7-13)**

21-5-7 **REVOCATION OF LICENSES.** The Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific Articles of this Code, the Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code for violation of any State or local law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B) To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted by the Liquor Control Commissioners or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith.

(D) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license.

(E) To receive complaints from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided.

(F) The Liquor Control Commissioner shall also have the power to levy fines in accordance with the provisions of this Code. **(235 ILCS 5/4-4)**

21-5-8 COMPLAINT BY RESIDENTS. Any Village resident shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. **(235 ILCS 5/7-7)**

21-5-9 REVOCATION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING. The Liquor Control Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Control Act**, any valid ordinance or resolution adopted by the municipality, or any applicable rule or regulation established by the Liquor Control Commissioner or the State Commission which is not inconsistent with law.

(A) Fine as Opposed to Suspension or Revocation. In addition to the suspension or revocation, the Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars (\$1,000.00) for a first violation within a twelve (12) month period, One Thousand Five Hundred Dollars (\$1,500.00) for a second violation within a twelve (12) month period, and Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand Dollars (\$15,000.00) in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipality. (See P.A. 89-0063)

(B) Revocation and Suspension: Notice. No such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Liquor Control Commissioner with a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than **seven (7) days**, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or

businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) **Hearing.** The Liquor Control Commissioner shall, within **five (5) days** after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the license. **(235 ILCS 5/7-5)**

(Ord. No. 1043; 12-19-07)

ARTICLE VI - APPEALS; SUBSEQUENT VIOLATIONS

21-6-1 **APPEALS FROM ORDER OF LIQUOR COMMISSIONER.** Except as provided in this Section, any order or action of a Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than **thirty (30) days** to grant a hearing upon a complaint to revoke or suspend a license may, within **twenty (20) days** after notice of such order or action, be appealed by any resident of the municipality under the jurisdiction of the Liquor Control Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Control Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(235 ILCS 5/7-9)**

21-6-2 **SUBSEQUENT VIOLATIONS IN A YEAR.** In any case in which a licensee appeals to the State Commission a suspension or revocation by a Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding **twelve (12) month period**, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Control Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month period.** **(235 ILCS 5/7-9)**

21-6-3 **APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION.** Any appeal of the decision and findings of the Liquor Control Commissioner shall be limited to a review of the official record of the proceedings of said Liquor Control Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Control Commissioner within **five (5) days** after notice of the filing of such appeal is received by the municipality from State Commission, if the appellant licensee pays for the cost of the transcript. **(235 ILCS 5/7-9)**

21-6-4 **ENFORCEMENT AND PENALTIES.**
(A) Any person, entity or corporation violation any provision of this Chapter shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Chapter.

(B) Any person, entity or corporation aiding in or abetting the violation of any provision of this Chapter, or counterfeiting or forging any license or permit, or making any misrepresentation in regard to any matter prescribed by this Chapter, or resisting, obstructing, or impeding the Village in enforcing this Chapter, shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Chapter.

(C) A separate offense shall be deemed committed on each day during or on which any violation occurs or continues.

(D) The Village may commence any appropriate action at law or in equity to enforce the provisions of this Chapter and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. Any equitable remedies shall be in addition to the penalties set forth elsewhere in this Chapter.

(Ord. No. 1043; 12-19-07)

MANDATED POLICIES

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	IDENTITY THEFT	
	Section 22-1-1 - Program Adoption	22-1
	Section 22-1-2 - Program Purpose and Definitions	22-1
	Section 22-1-3 - Identification of Red Flags	22-2
	Section 22-1-4 - Detecting Red Flags	22-3
	Section 22-1-5 - Preventing and Mitigating Identity Theft	22-3
	Section 22-1-6 - Program Updates	22-4
	Section 22-1-7 - Program Administration	22-4
II	USE OF SOCIAL SECURITY NUMBERS	
	Section 22-2-1 - Definitions	22-5
	Section 22-2-2 - Prohibited Activities	22-5
	Section 22-2-3 - Public Inspection and Copying of Documents	22-6
	Section 22-2-4 - Applicability	22-6
	Section 22-2-5 - Compliance with Federal Law	22-6
	Section 22-2-6 - Embedded Social Security Numbers	22-7
	Section 22-2-7 - Identity--Protection Requirements	22-7
	Section 22-2-8 - Penalty	22-7
	Section 22-2-9 - Amendment of Privacy Policy	22-7
	Section 22-2-10 - Conflict with Stricter Laws	22-7
III	FREEDOM OF INFORMATION POLICY	
	Section 22-3-1 - Public Records Available	22-8
	Section 22-3-2 - Designation, Duties and Training of Freedom of Information Act Officers	22-8
	Section 22-3-3 - Procedures	22-8
	Section 22-3-4 - Requests to Inspect or Copy	22-8
	Section 22-3-5 - Request for Commercial Purposes	22-9
	Section 22-3-6 - Fees	22-10
	Section 22-3-7 - Public File	22-10
	Section 22-3-8 - Granting or Denial of Requests	22-10
	Section 22-3-9 - Certain Information Exempt From Inspection and Copying	22-10
	Section 22-3-10 - Notice of Denial of Request; Appeals	22-10
	Section 22-3-11 - Items on File	22-11
IV	FAIR HOUSING CODE	
	Section 22-4-1 - Declaration of Policy	22-12
	Section 22-4-2 - Definitions	22-12
	Section 22-4-3 - Prohibited Acts	22-13
	Section 22-4-4 - Penalty	22-13

<u>ARTICLE</u>		<u>TITLE</u>	<u>PAGE</u>
V	INVESTMENT POLICY		
	Section 22-5-1	- Investment Policy	22-14
	Section 22-5-2	- Scope	22-14
	Section 22-5-3	- Prudence	22-14
	Section 22-5-4	- Objective	22-14
	Section 22-5-5	- Delegation of Authority	22-14
	Section 22-5-6	- Ethics and Conflicts of Interest	22-14
	Section 22-5-7	- Authorized Financial Dealers and Institutions	22-14
	Section 22-5-8	- Authorized and Suitable Investments	22-14
	Section 22-5-9	- Collateralization	22-14
	Section 22-5-10	- Safekeeping and Custody	22-15
	Section 22-5-11	- Diversification	22-15
	Section 22-5-12	- Maximum Maturities	22-15
	Section 22-5-13	- Internal Control	22-15
	Section 22-5-14	- Performance Standards	22-15
	Section 22-5-15	- Reporting	22-15
	Section 22-5-16	- Investment Policy Adoption and Modification	22-15
VI	ETHICS CODE		
	Section 22-6-1	- State Officials and Employees Ethics Act	22-16
VII	EQUAL EMPLOYMENT POLICY		
	Section 22-7-1	- Adoption of Codes	22-17
	Section 22-7-2	- Non-Discriminatory Practices	22-17
	Section 22-7-3	- Contracting with Non-Complaints	22-17
	Section 22-7-4	- Outreach to All	22-19
	Section 22-7-5	- Minority Hiring	22-19
	Section 22-7-6	- Accommodations for Disabled	22-19
	Section 22-7-7	- Compliance by Employees	22-19
	Section 22-7-8	- Designated Enforcers	22-19
VIII	DRUG FREE WORKPLACE		
	Section 22-8-1	- Definitions	22-20
	Section 22-8-2	- Requirements for Village	22-20
IX	POLICY PROHIBITING SEXUAL HARASSMENT		
	Section 22-9-1	- Prohibition on Sexual Harassment	22-22
	Section 22-9-2	- Definition of Sexual Harassment	22-22
	Section 22-9-3	- Procedure for Reporting an Allegation of Sexual Harassment	22-22
	Section 22-9-4	- Prohibition on Retaliation for Reporting Sexual Harassment Allegations	22-23
	Section 22-9-5	- Consequences of a Violation of the Prohibition on Sexual Harassment	22-24
	Section 22-9-6	- Consequences for Knowingly Making a False Report	22-24
	Section 22-9-7	- Employee Receipt and Acceptance	22-25

CHAPTER 22

MANDATED POLICIES

ARTICLE II - USE OF SOCIAL SECURITY NUMBERS

22-2-1 **DEFINITIONS.**

"Person" means any individual in the employ of the Village.

"Policy" or "Privacy Policy" means this document, as now or hereafter amended.

"Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.

"Social Security Number" means the nine (9) digit number assigned to an individual by the United States Social Security Administration for the purposes authorized or required under the United States Social Security Act of August 14, 1935, as amended (Public Law 74-271).

22-2-2 **PROHIBITED ACTIVITIES.**

(A) No officer or employee of the Village shall do any of the following:

- (1) Publicly post or publicly display in any manner an individual's Social Security Number.
- (2) Print an individual's Social Security Number on any card required for the individual to access products or services provided by the person or entity.
- (3) Require an individual to transmit his or her Social Security Number over the Internet, unless the connection is secure or the Social Security Number is encrypted.
- (4) Print an individual's Social Security Number on any materials that are mailed to the individual, through the United States Postal Service, any private mail service, electronic mail, or a similar method of delivery, unless Illinois or federal law requires the Social Security Number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, Social Security Numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Illinois Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security Number. A Social Security Number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

(B) Except as otherwise provided in this policy, beginning immediately on the effective date of the Village's authorizing Ordinance, no officer or employee of the Village shall do any of the following:

- (1) Collect, use, or disclose a Social Security number from an individual, unless (i) required to do so under State or Federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security Number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the Social Security Number is documented before collection of the Social Security

- Number; and (iii) the Social Security Number collected is relevant to the documented need and purpose.
- (2) Require an individual to use his or her Social Security Number to access an Internet website.
 - (3) Use the Social Security Number for any purpose other than the purpose for which it was collected.
- (C) The prohibitions in subsection (B) do not apply in the following circumstances:
- (1) The disclosure of Social Security Numbers to agents, employees, contractors, or subcontractors of the Village or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the Village must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy on the Village to protect an individual's Social Security Number will be achieved.
 - (2) The disclosure of Social Security Numbers pursuant to a court order, warrant, or subpoena.
 - (3) The collection, use, or disclosure of Social Security Numbers in order to ensure the safety of: Village employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a Village facility.
 - (4) The collection, use, or disclosure of Social Security Numbers for Internal verification or administrative purposes.
 - (5) The collection or use of Social Security Numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.
- (D) Any standards of the Village for the collection, use, or disclosure of Social Security Numbers that are stricter than the standards under this Policy with respect to the protection of those Social Security Numbers, then, in the event of any conflict with the provisions of this Policy, the stricter standards adopted by the Village shall control.

22-2-3 PUBLIC INSPECTION AND COPYING OF DOCUMENTS. Notwithstanding any other provision of this policy to the contrary, all officers and employees of the Village must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's Social Security Number. All officers and employees of the Village must redact Social Security Numbers from the information or documents before allowing the public inspection or copying of the information or documents.

22-2-4 APPLICABILITY.

(A) This policy does not apply to the collection, use, or disclosure of a Social Security Number as required by State or Federal law, rule, or regulation.

(B) This policy does not apply to documents that are required to be open to the public under any State or Federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

22-2-5 **COMPLIANCE WITH FEDERAL LAW.** If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the Village shall follow that law.

22-2-6 **EMBEDDED SOCIAL SECURITY NUMBERS.** Beginning immediately on the effective date of the Village's authorizing Ordinance, no officer or employee of the Village may encode or embed a Social Security Number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security Number as required by this Policy.

22-2-7 **IDENTITY--PROTECTION REQUIREMENTS.**
(A) All officers, employees and agents of the Village identified as having access to Social Security Numbers in the course of performing their duties to be trained to protect the confidentiality of all Social Security Numbers. Training shall include instructions on the proper handling of information that contains Social Security Numbers from the time of collection through the destruction of the information.

(B) Only employees who are required to use or handle information or documents that contain Social Security Numbers have access to such information or documents.

(C) Social Security Numbers requested from an individual shall be provided in a manner that makes the Social Security Number easily redacted if required to be released as part of a public records' request.

(D) When collecting a Social Security Number or upon request by the individual, a statement of the purpose or purposes for which the Village is collecting and using the Social Security Number be provided.

(E) A written copy of this Privacy Policy, and any amendment thereto, shall be filed with the Village Board within **thirty (30) days** after approval of this Policy or any amendment thereto.

(F) The Village shall advise its employees of the existence of the Policy and make a copy of this Policy available to each employee, and shall also make this Privacy Policy available to any member of the public, upon request and at no charge for a single copy of this Privacy Policy. If the Village amends this Privacy Policy, then the Village shall also advise its employees of the existence of the amended Policy and make a copy of the amended Policy available to each employee.

22-2-8 **PENALTY.** Any person who violates any portion of this Article, as now or hereafter amended, shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** for the first such violation and a fine of not less than **Seven Hundred Fifty Dollars (\$750.00)** for each violation thereafter.

22-2-9 **AMENDMENT OF PRIVACY POLICY.** The Privacy Policy adopted in this Division and Chapter shall be subject to amendment from time to time by the Village Board as the Village Board shall deem necessary in its sole discretion in order to maintain the Village's compliance with the Illinois Identity Protection Act as now or hereafter amended.

22-2-10 **CONFLICT WITH STRICTER LAWS.** This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of Social Security Numbers.

[NOTE: This Policy is to comply with Public Act 096-9874 of the State of Illinois, cited as the Identity Protection Act, and codified as Title 30, Act 5, Section 1, et seq., as now or hereafter amended.]

ARTICLE III - FREEDOM OF INFORMATION POLICY

22-3-1 PUBLIC RECORDS AVAILABLE. To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the Village shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7.**

22-3-2 DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.

(A) By duly enacted resolution, the Village Board shall designate the Freedom of Information Officer. The Officer shall receive requests submitted under the Freedom of Information Act, insure that the Village responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) Note the date the Village receives the written request;
- (2) Compute the date on which the period for response will expire and make a notation of that date on the written request;
- (3) Maintain an electronic or paper copy of the written request including all documents submitted with the request until the request has been complied with or denied; and
- (4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the Village, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

22-3-3 PROCEDURES. The Village shall prominently display at the Village Clerk's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the Village, which will include, but not be limited to a block diagram giving its functional departments, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the Village, or which exercises control over its policies or procedures; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

22-3-4 REQUESTS TO INSPECT OR COPY. All requests to inspect or copy records or documents prepared, maintained or under the control of the Village shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the Village.

(B) The written request shall be submitted to the Freedom of Information Officer or the Mayor. If neither are available, the request shall be submitted to the Village Attorney.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the Village, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business days** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the Village may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the Village agree to extend the period for compliance, a failure by the Village to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

- (1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.
- (2) **Fifteen Cents (\$0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.
- (3) **One Dollar (\$1.00)** for each certified copy requested.
- (4) **Ten Cents (\$0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at Village Hall. If the person making the request asks the Village to mail the documents, he or she shall provide the Village with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents (\$2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the Village shall furnish it in the electronic format specified by the person making the request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Village shall furnish it in the format in which it is maintained by the Village, or in paper format at the option of the person making the request.

(I) The Freedom of Information Officer shall send a copy of each request and all documents and/or records to be released under said request to the Village Attorney prior to release. The Village Attorney shall determine whether such records, or any information contained therein, shall be exempt from disclosure under one or more provisions of law.

22-3-5 **REQUEST FOR COMMERCIAL PURPOSES.** The Village shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the Village to provide the records requested and an estimate of the fees to be charged, which the Village may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome

and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the Village shall comply with a commercial request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. It is unlawful for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the Village Code.

22-3-6 FEES. The Village Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

22-3-7 PUBLIC FILE. The Village Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

22-3-8 GRANTING OR DENIAL OF REQUESTS. A request for all records within a category shall be granted unless the request constitutes an undue burden upon the Village. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the Village and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the Village. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

22-3-9 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING. If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

22-3-10 NOTICE OF DENIAL OF REQUEST; APPEALS.

(A) If the Village denies the request, the Village shall notify the person making the request in writing of:

- (1) the decision to deny the request;
- (2) the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
- (3) the names and titles or positions of each person responsible for the denial;
- (4) the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
- (5) the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B) If the Village asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

- (1) a copy of the request for access to records;
- (2) the proposed response from the Village;
- (3) a detailed summary of the Village's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the Village to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

22-3-11 **ITEMS ON FILE.** The Municipal Information Directory, the Functional Subdivisions, the General Information Directory, and the List of Public Records will be posted on the Caseyville website and available at the Village Hall.

(Ord. No. 1131, in part)

ARTICLE IV - FAIR HOUSING CODE

22-4-1 **DECLARATION OF POLICY.**

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the Village that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

22-4-2 **DEFINITIONS.** Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A) **"Decent, Sanitary, Healthful Standard Living Quarters".** "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B) **"Discriminate".** The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C) **"Financial Institution".** The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

(D) **"Housing Accommodation".** The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of **one (1)** or more human beings, or any real estate so used, designed or intended for such use.

(E) **"Owner".** An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F) **"Real Estate Broker".** The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G) **"Real Property".** The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Village.

22-4-3 **PROHIBITED ACTS.** It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the Village:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

22-4-4 **PENALTY.** Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the Village to specifically enforce, by any legal means, any of the provisions of this Code.

(65 ILCS 5/11-11.1-1)

(Formerly Chapter 13)

ARTICLE V – INVESTMENT POLICY

22-5-1 **INVESTMENT POLICY.** It is the policy of the Village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Village and conforming to all State and local statutes governing the investment of public funds.

22-5-2 **SCOPE.** This policy includes all public funds of the Village.

22-5-3 **PRUDENCE.** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

22-5-4 **OBJECTIVE.** The primary objective, in order of priority, shall be:

(A) **Legality.** Conformance with federal, state and other legal requirements.

(B) **Safety.** Preservation of capital and protection of investment principal.

(C) **Liquidity.** Maintenance of sufficient liquidity to meet operating requirements.

(D) **Yield.** Attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the Village’s needs for safety, liquidity, rate of return, diversification and its general performance.

22-5-5 **DELEGATION OF AUTHORITY.** Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who may establish written procedures for the operation of the investment program.

22-5-6 **ETHICS AND CONFLICTS OF INTEREST.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

22-5-7 **AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.** The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by creditworthiness.

22-5-8 **AUTHORIZED AND SUITABLE INVESTMENTS.** Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

22-5-9 **COLLATERALIZATION.** Collateralization may be required, at the discretion of the Village, on all funds held in banks or savings and loans above the insured limits provided by the FDIC or FSLIC. In order to anticipate market changes and provide a level of security for all funds, the

collateralization level will be a minimum of **one hundred two percent (102%)** of market value of principal and accrued interest.

22-5-10 **SAFEKEEPING AND CUSTODY.** All security transactions, including collateral for repurchase agreements, entered into by the Village, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

22-5-11 **DIVERSIFICATION.** The Village shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

22-5-12 **MAXIMUM MATURITIES.** To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than **two (2) years** from the date of purchase.

Reserve funds may be invested in securities exceeding **two (2) years** if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

22-5-13 **INTERNAL CONTROL.** The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the Village are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

- (A) Control of collusion.
- (B) Separation of transaction authority from accounting.
- (C) Custodial safekeeping.
- (D) Written confirmation of telephone transactions for investments and wire transfers.

22-5-14 **PERFORMANCE STANDARDS.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

22-5-15 **REPORTING.** The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Village Board and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the Village Board. A statement of the market value of the portfolio shall be issued to the Village Board quarterly.

22-5-16 **INVESTMENT POLICY ADOPTION AND MODIFICATION.** The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the Treasurer, and any modifications made thereto shall be made by ordinance.

(Formerly Chapter 1; Article IV)

ARTICLE VI – ETHICS CODE

22-6-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of Sections 5-15 (**5 ILCS 430/5-15**) and Article 10 (**5 ILCS 430/10-10 through 10-40**) of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by **5 ILCS 430/70-5**.

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

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

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

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

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

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

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

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(Ord. No. 975; 06-02-04)

ARTICLE VII - EQUAL EMPLOYMENT POLICY

22-7-1 **ADOPTION OF CODES.** The Village hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A) **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B) **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C) **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D) **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F) **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I) **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J) **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

(K) **Illinois Human Rights Act (775 ILCS 5)** which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

22-7-2 **NON-DISCRIMINATORY PRACTICES.** The Village will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

22-7-3 **CONTRACTING WITH NON-COMPLAINTS.** The Village will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

(A) The Village will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

- (1) In the event of the contractor's noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:
 - (a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
 - (b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
 - (c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.
 - (d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.
 - (e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.
 - (f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain

compliance with the Act and the Department's Rules and Regulations.

- (g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

22-7-4 **OUTREACH TO ALL.** The Village assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-7-5 **MINORITY HIRING.** Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the Village as well as surrounding areas.

22-7-6 **ACCOMMODATIONS FOR DISABLED.** The Village will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

22-7-7 **COMPLIANCE BY EMPLOYEES.** All Village employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out Village program activities.

22-7-8 **DESIGNATED ENFORCERS.** The Village designates the Mayor and the Village Board to carry out the EEO/AA plan.

(Formerly Chapter 12)

ARTICLE VIII - DRUG FREE WORKPLACE

22-8-1 DEFINITIONS.

(A) **"Drug Free Workplace"** means any place for the performance of work for or on behalf of the Village, done by an employee of the Village, or an employee of a contractor or subcontractor performing work for the Village.

(B) **"Employee"** as used within the meaning of this Article, means an employee of the Village as well as an employee of a contractor or subcontractor performing work for the Village.

(C) **"Controlled Substance"** means a controlled substance as defined in the Illinois Controlled Substance Act, **720 ILCS 570/100 et seq.** (1992 State Bar Edition) or Cannabis as defined in the Cannabis Control Act, **720 ILCS 550/1 et seq.** (1992 State Bar Edition).

(D) **"Conviction"** means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with determining violations of the Federal or State criminal drug statutes.

(E) **"Criminal Drug Statute"** means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

(F) **"State"** means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative, or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; or administrative units or corporate outgrowths, of the State government which are created by or pursuant to statute.

22-8-2 REQUIREMENTS FOR VILLAGE. The Village shall provide a drug free workplace by:

(A) **Publishing a Statement.**

(1) Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in the workplace.

(2) Specifying the actions that will be taken against employees for violations of such prohibition.

(3) Notifying employee that, as a condition of employment, the employee will:

(a) abide by the terms of the statement; and

(b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than **five (5) days** after such conviction.

(B) Establishing a drug free awareness program to be administered by a person appointed by the Mayor to inform employees about:

(1) the dangers of drug abuse in the workplace;

(2) the Village's policy of maintaining a drug free workplace;

(3) any available drug counseling, rehabilitation, and employee assistance programs; and

(4) the penalties that may be imposed upon employees for drug violations.

(C) A copy of the statement required by Subsection (A) above shall be given to each employee and posted in a prominent place in the workplace.

(D) If the Village receives a grant from the State or Contract for the procurement of any property or services from the State, then the Village shall notify the contracting or granting agency within **ten (10) days** after receiving notice under part (b) of paragraph (3) of Subsection (A) from an employee or otherwise receiving actual notice of such conviction.

(E) Within **thirty (30) days** from receiving notice from an employee of a conviction of a violation of a criminal drug statute occurring in the workplace, the Mayor shall take action against such employee as may be appropriate as determined by the Mayor and which may include but is not

limited to reprimand; suspension for any length of time with or without pay; termination from employment; and/or a requirement to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(F) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.

(G) Making a good faith effort to continue to maintain a drug free workplace through implementation of this Section.

ARTICLE IX – POLICY PROHIBITING SEXUAL HARASSMENT

22-9-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this Village to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

22-9-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

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

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

(B) Conduct which may constitute sexual harassment includes:

- (1) **Verbal.** Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- (2) **Non-verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- (3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- (4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- (5) **Textual/Electronic.** "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking or threats via all forms of electronic communication (e-mail, text/picture/ video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

(C) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

22-9-3 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible

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

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

- (1) **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- (2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the village manager or administrator, or the chief executive officer of the Municipality.
The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.
- (3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within **one hundred eighty (180) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within **three hundred (300) days**.

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

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

22-9-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

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

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

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

(C) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

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

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

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

(F) According to the Illinois Human Rights Act (**775 ILCS 5/6-101**), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(G) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within **one hundred eighty (180) days** (IDHR) or **three hundred (300) days** (EEOC) of the alleged retaliation.

22-9-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT. In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in **5 ILCS 430/5-65**, may be subject to a fine of up to **Seven Hundred Fifty Dollars (\$750.00)** per offense, applicable discipline or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

22-9-6 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT. A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can

itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to **Seven Hundred Fifty Dollars (\$750.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.

22-9-7 **EMPLOYEE RECEIPT AND ACCEPTANCE.** Each employee of the Village shall sign an "Employee Receipt and Acceptance" acknowledging receipt of the Policy Prohibiting Sexual Harassment, accepting responsibility to read and know the contents of said policy, agreeing to follow the terms of said policy and acknowledging that failure to follow the terms of the policy may result in disciplinary action including termination. A copy of said "employee receipt and acceptance shall be maintained in the employee's personnel file.

(Ord. No. 18-02; 03-21-18)

Policy

As a Federal Grantee, I hereby notify employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in this workplace. As a condition of employment, employees must abide by this policy.

Drug-Free Awareness

Drug abuse in the workplace has major adverse effects on the welfare of all citizens of the United States, and it results in lost productivity each year. Employees who use illegal drugs have three to four times more accidents while at work.

Employees with drug abuse problems should seek help. Employees desiring more information on the dangers of drug abuse in the workplace and those employees needing drug counseling, rehabilitation, or other employee assistance should contact the local municipal drug administrator.

Employees will be referred to the appropriate resource for available counseling, rehabilitation or other assistance.

Notice of Potential Personnel Actions for Illegal Drug Use On-the-Job

Penalties may be imposed upon employees for drug abuse violations occurring in our workplaces:

1. Employees must notify this employer of any criminal drug statute conviction or a violation occurring in the workplace no later than five days after such conviction.
2. Within 30 days of receiving notice of any criminal drug statute conviction or a violation occurring in the workplace, this employer will take appropriate personnel action against such employee, up to and including termination; or
3. Within 30 days of receiving notice of any criminal drug statute conviction or a violation occurring in the workplace, this employer may require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

Employee Certification

- ✓ I understand the drug-free workplace policy.
- ✓ I agree, as a condition of my employment, to abide by the terms of this program.
- ✓ I agree to notify this employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

Employee Signature

Date

Employer Statement

- ✓ I have explained the policy, drug-free awareness, and potential personnel action statements and have provided the employee's part of this pamphlet to the employee.

Authorized Employer Signature

Date

Village of Caseyville, Caseyville, Illinois
Name of Organization

MOTOR VEHICLE CODE

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	DEFINITIONS	
	Section 24-1-1 - Illinois Vehicle Code; Definitions Adopted	24-1
II	GENERAL REGULATIONS	
	Section 24-2-1 - Obedience to Police	24-1
	Section 24-2-2 - Scene of Fire	24-1
	Section 24-2-3 - Signs and Signals	24-1
	Section 24-2-4 - Unauthorized Signs	24-1
	Section 24-2-5 - Interference with Signs or Signals	24-2
	Section 24-2-6 - Advertising Signs	24-2
	Section 24-2-7 - Animals or Bicycles	24-2
	Section 24-2-8 - Bicycle Lamps, Reflectors, and Equipment	24-2
	Section 24-2-9 - Regulation of Skateboards, In-Line Skates (Rollerblades or Rollerskis) and Rollerskates	24-2
	Section 24-2-10 - Forest Lakes Development Access	24-2
III	STOP AND THROUGH STREETS	
	Section 24-3-1 - Through Streets	24-4
	Section 24-3-2 - One-Way Streets or Alleys	24-4
	Section 24-3-3 - Stop Streets	24-4
	Section 24-3-4 - Yield Right-of-Way Streets	24-4
	Section 24-3-5 - Posting Signs	24-4
IV	DRIVING RULES	
	Section 24-4-1 - Illinois Vehicle Code; Rules of the Road Adopted	24-5
	Section 24-4-2 - Driving Rules	24-5
	Section 24-4-3 - Duty to Report Accident	24-6
	Section 24-4-4 - Transporting Liquor in Vehicles	24-6
	Section 24-4-5 - Excessive Noise - Stopped Vehicle	24-6
	Section 24-4-6 - Excessive Noise - Wheels	24-6
	Section 24-4-7 - Excessive Noise - Squealing Tires	24-6
	Section 24-4-8 - Reckless, Negligent or Careless Driving	24-7
	Section 24-4-9 - Excessive Noise While Driving	24-7
	Section 24-4-10 - Obstructing Person in Highway	24-7
	Section 24-4-11 - Child Passenger Protection Act	24-7
V	EQUIPMENT OF VEHICLES	
	Section 24-5-1 - Illinois Vehicle Code; Equipment of Vehicles Adopted	24-8
	Section 24-5-2 - Muffler	24-8
	Section 24-5-3 - Sound Amplification System	24-8
	Section 24-5-4 - Engine Brakes Prohibited	24-8

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
VI	PARKING RULES	
	<i>Division I – Generally</i>	
	Section 24-6-1 - Time Limit Parking	24-9
	Section 24-6-2 - Parking for Sale or Repair	24-9
	Section 24-6-3 - Private Property	24-9
	Section 24-6-4 - Stopping, Standing or Parking Prohibited in Specified Places	24-9
	Section 24-6-5 - Load Limits	24-10
	Section 24-6-6 - Towing Cars Away	24-10
	Section 24-6-7 - Parking Violations	24-10
	Section 24-6-8 - Prima Facie Proof	24-11
	Section 24-6-9 - Snow Routes	24-11
	Section 24-6-10 - Parking Tickets - State Statute	24-11
	Section 24-6-11 - Prohibition on Through Commercial Traffic	24-11
	Section 24-6-12 - 24-6-14 Reserved	
	 <i>Division II – Parking for the Handicapped</i>	
	Section 24-6-15 - Designated Parking	24-11
	Section 24-6-16 - Use of Designated Handicapped Parking	24-12
	Section 24-6-17 - Application for Illinois Handicapped Registration Plate	24-12
	Section 24-6-18 - Penalty	24-12
	Section 24-6-19 - Handicapped Parking Areas	24-12
	Section 24-6-20 - 24-6-23 Reserved	
	 <i>Division III – Commercial and Residential Restricted Parking</i>	
	Section 24-6-24 - Commercial Vehicle Definition	24-12
	Section 24-6-25 - Recreational Vehicle Definition	24-13
	Section 24-6-26 - Prohibition on Commercial Vehicle Parking	24-13
	Section 24-6-27 - Prohibition on Recreational Vehicle Parking	24-13
	Section 24-6-28 - Exceptions to Prohibitions	24-13
 VII	 ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES	
	Section 24-7-1 - Abandonment of Vehicles Prohibited	24-15
	Section 24-7-2 - Abandoned, Lost, Stolen or Unclaimed Vehicle Notification to Law Enforcement Agencies	24-15
	Section 24-7-3 - Removal of Motor Vehicles or Other Vehicles; Towing or Hauling Away	24-15
	Section 24-7-4 - Police Tows; Reports, Release of Vehicles, Payment	24-15
	Section 24-7-5 - Record Searches for Unknown Owner	24-16
	Section 24-7-6 - Identifying and Tracing Vehicle	24-17
	Section 24-7-7 - Reclaimed Vehicles; Expenses	24-17
	Section 24-7-8 - Disposal of Unclaimed Vehicle	24-17
	Section 24-7-9 - Disposal of Unclaimed Vehicles Without Notice	24-17
	Section 24-7-10 - Disposal of Hazardous Dilapidated Motor Vehicles	24-18
	Section 24-7-11 - Collection of Unpaid Charges	24-18
	Section 24-7-12 - Police Record for Disposed Vehicle	24-18

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
VII	ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES (CONTINUED)	
	Section 24-7-13 - Public Sale Proceeds; Disposition of	24-18
	Section 24-7-14 - Liability of Law Enforcement Officers	24-18
	Section 24-7-15 - Violations of Article	24-19
VIII	IMPOUNDMENT OF VEHICLES	
	Section 24-8-1 - Definitions	24-20
	Section 24-8-2 - Specific Offenses; Fees	24-20
	Section 24-8-3 - Administrative Fee	24-20
	Section 24-8-4 - Responsibility for Administrative Fee	24-21
	Section 24-8-5 - Documents Required	24-21
	Section 24-8-6 - Seizure Exceptions	24-21
	Section 24-8-7 - Time Limit and Disposal	24-21
	Section 24-8-8 - Federal Drug Asset Forfeiture	24-21
IX	GOLF CART CODE	
	Section 24-9-1 - Definitions	24-22
	Section 24-9-2 - Rules and Regulation	24-22
	Section 24-9-3 - Permits	24-23
	Section 24-9-4 - Penalty	24-23
	Exhibit "A" - Golf Cart Permit Application	
	Exhibit "B" - Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant Not to Sue	
	Schedule "A" - Stop Intersections	MV-1
	Schedule "D" - Speed Zones	MV-4
	Schedule "E" - No Parking Zones	MV-4
	Schedule "H" - Handicapped Parking Locations	MV-4
	Schedule "F" - Limited Parking Zones	MV-5
	Schedule "I" - Slow Children Play Zones	MV-6
	Schedule "J" - Load Limit Streets	MV-6

CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I – DEFINITIONS

24-1-1 **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Chapter 1**, entitled "**Title and Definitions**", except Section 5/1-100 and Section 5/1-300, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village, the provisions thereof shall be controlling within the corporate limits of the Village. **(Ord. No. 1714; 08-16-17)**

[See Section 1-1-20 for penalty provisions.]

ARTICLE II - GENERAL REGULATIONS

24-2-1 **OBEDIENCE TO POLICE.** Members of the police department, special police, auxiliary police, community service officers, and marshals assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to willfully fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. **(625 ILCS 5/11-203)**

24-2-2 **SCENE OF FIRE.** The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of or in assisting the police.

24-2-3 **SIGNS AND SIGNALS.** It shall be unlawful for the driver of any vehicle to willfully disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois, excepting on direction of a police officer or of a fire department officer, or any fireman designated by him when exercising the powers and authorities delegated to them in **Section 24-2-2**. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. **(625 ILCS 5/11-301)**

24-2-4 **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person or place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide

from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

24-2-5 **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

24-2-6 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the Village any sign, signal, marking or device other than a traffic sign or signal authorized by the Village Board or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapters 27 and 33) (Also See Chapter 40 - Development Code)**

24-2-7 **ANIMALS OR BICYCLES.** Any person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. **(625 ILCS 5/11-206)**

24-2-8 **BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT.** When used at nighttime, every bicycle shall be equipped with the following:

(A) A lamp upon the front which emits a white light visible from a distance of at least **five hundred (500) feet** to the front.

(B) A red reflector on the rear which shall be visible to a distance of **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(C) A reflex reflector on each pedal visible from the front and rear of the bicycle from a distance up to **two hundred (200) feet** when viewed within the lawful lower beams of headlights on a motor vehicle.

(D) Side reflectors upon each side of the bicycle which shall be visible up to a distance of **five hundred (500) feet** when viewed directly in front of a lawful lower beam of motor vehicle headlights. The requirements of this subparagraph may be met by reflective materials which shall be at least **three-sixteenths (3/16) of an inch** wide on each side of each tire or rim which may indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim.

24-2-9 **REGULATION OF SKATEBOARDS, IN-LINE SKATES (ROLLERBLADES OR ROLLERSKIS) AND ROLLERSKATES.** All on-street operation of skateboards, in-line skates (rollerblades and rollerskis) and rollerskates shall be conducted as far to the right of the traffic lane as possible, in a single file and flowing with traffic. All operations of these skateboards, in-line skates and rollerskates shall be during daylight hours unless the operator has a white light showing to the front and is wearing some type of reflective clothing or reflective strips on his or her clothing which can be seen from a distance of **five hundred (500) feet** to the rear and side. Further, all operation shall be consistent with the rules of the road established for bicycles. Skateboards, in-line skates and rollerskates shall be allowed on all Village streets and sidewalks except for those listed in **Schedule "Z"** at the conclusion of this Code.

24-2-10 **FOREST LAKES DEVELOPMENT ACCESS.** The restrictions applicable to Forest Lakes Subdivision are as follows:

(A) **Barrier.** Access to the parkway in the residential area of the Forest Lakes development shall be restricted by means of a gate or other barrier, as determined by the Village Engineer and Superintendent of Streets.

(B) **Sign.** The Village shall post a sign to warn the public that access to the parkway in the residential area of the Forest Lakes development is restricted and limited only to those who have been specifically granted access by the Village.

(C) **Trespass.** Any person or entity that has not been specifically granted access by the Village, and who enters the residential area of the Forest Lakes development via the parkway, shall be charged with trespass and prosecuted under the ordinances of the Village and the statutes of the State of Illinois.

(D) **Duration.** The access to the parkway in the residential area of the Forest Lakes development shall be restricted and limited until there is significant construction activity in that residential area which will be determined by the Village Engineer.

(Ord. No. 1085; 03-18-09)

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **THROUGH STREETS.** The streets and parts of streets of the Village designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See **Schedule "A"** for applicable through and stop streets.

24-3-2 **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See **Schedule "B"** for the designated one-way streets and alleys. **(625 ILCS 5/11-208)**

24-3-3 **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See **Schedule "A"** for designated stop intersections. **(625 ILCS 5/11-302)**

24-3-4 **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **(See Schedule "C")**

24-3-5 **POSTING SIGNS.** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(625 ILCS 5/11-304)**

ARTICLE IV - DRIVING RULES

24-4-1 **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 11**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly, is hereby adopted by the Village and the provisions thereof shall be controlling within the corporate limits of the Village, except for the following changes, deletions and omissions:

- (A) **Omissions:**
- (1) Omit Sections 5/11-202, 204, 207, 208, 208.1, 208.2, 209, 209.1, 211, 302, 303, 313, 401 to and including 416, 501, 503, 504, first paragraph beginning with "any" and ending with "amended" 602, 603, 604, 606(b), 608, and 1422.
- (B) **Changes and Additions:**
- (1) Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."
 - (2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2 **DRIVING RULES.**

(A) **Careless Driving.** It shall be unlawful to operate a vehicle in the Village in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B) **Drag Racing.** No person shall participate within the Village in drag racing as such activity is defined by **625 ILCS 5/11-504**.

(C) **Fleeing or Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

(D) **Unlawful Possession of Highway Sign or Marker.** Traffic control signals, signs or markers owned by the Village shall be possessed only by the Village's employees, police officers, contractors, or their employees engaged in highway construction, contract or work upon the roadways or public ways approved by the Village. No person shall possess a traffic control signal, sign or marker owned by the Village except as provided in this paragraph without the prior written authority of the Village. It shall be a violation of this Chapter for a person to possess such a traffic control signal, sign or marker without lawful authority. **(625 ILCS 5/11-313)**

(E) **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this Section, proof of the determination of the maximum speed by the Village and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. **(625 ILCS 5/11-608)**

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the Village Board, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **(See Schedule "D") (625 ILCS 5/11-604) (65 ILCS 5/11-40-1)**

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This section shall not be applicable unless appropriate signs are posted upon streets and maintained by the Village or State wherein the school zone is located. **(625 ILCS 5/11-605)**

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this Village at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care. **(See Schedule "I")**

(I) **Traffic Lane Usage.** Whenever any roadway within the Village has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(J) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets in the Village.

24-4-3 DUTY TO REPORT ACCIDENT. The driver of a vehicle which is in any manner involved in an accident within the Village shall, without unnecessary delay, notify the Police Department and shall make a report of such action. Failure to report an accident within the Village within **twenty-four (24) hours** shall result in arrests of the person or persons involved. **(625 ILCS 5/11-415)**

24-4-4 TRANSPORTING LIQUOR IN VEHICLES. No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in this Village except in the original container and with the seal unbroken. **(625 ILCS 5/11-502)**

24-4-5 EXCESSIVE NOISE - STOPPED VEHICLE. No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-4-6 EXCESSIVE NOISE - WHEELS. No operator of a motor vehicle shall when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-4-7 EXCESSIVE NOISE - SQUEALING TIRES. No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(625 ILCS 5/11-505)**

24-4-8 **RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the Village in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-4-9 **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

24-4-10 **OBSTRUCTING PERSON IN HIGHWAY.** Any person who shall willfully and unnecessarily hinder, obstruct or delay, or who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully or traveling along or upon any highway within the State or who shall offer for barter or sale merchandise on said highway so far as to interfere with the effective movement of traffic shall be guilty of violation of this Section.

24-4-11 **CHILD PASSENGER PROTECTION ACT.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Sec. 25/1 through 25/7**, entitled "**Child Passenger Protection Act**", as passed, approved and amended by the Illinois General Assembly, is hereby adopted by the Village and the provisions thereof shall be controlled within the corporate limits of the Village.

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the Village, and the provisions thereof shall be controlling within the corporate limits of the Village, except for the following omissions:

(A) 5/12-605, 5/12-701, the last paragraph beginning with the word "It" and ending with the word "Section".

(625 ILCS 5/12-605, 5/12-605.1; and 5/12-605.2)

24-5-2 **MUFFLER.** No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. **(625 ILCS 5/12-602)**

24-5-3 **SOUND AMPLIFICATION SYSTEM.** No driver of any motor vehicle within this State shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. **(65 ILCS 5/12-611)**

24-5-4 **ENGINE BRAKES PROHIBITED.** It shall be unlawful for an operator of a motor truck vehicle to use or operate engine brakes on all public highways or streets within the corporate limits, unless it is an emergency.

ARTICLE VI - PARKING RULES

DIVISION I - GENERALLY

24-6-1 **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

24-6-2 **PARKING FOR SALE OR REPAIR.** No person shall park a vehicle upon any street for the purpose of:

- (A) displaying such vehicle for sale; or
- (B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary.

24-6-3 **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-6-4 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:

- (1) **Stop, Stand or Park a Vehicle:**
 - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (b) On a sidewalk.
 - (c) Within an intersection.
 - (d) On a crosswalk.
 - (e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
 - (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - (h) On any railroad tracks.
 - (i) At any place where official signs prohibit stopping.
 - (j) On any controlled-access highway.

(Ord. No. 676; 1987 in part)

- (k) In the area between roadways of a divided highway, including crossovers.
- (l) In any alley that is open and maintained.
- (2) **Stand or Park a Vehicle** (whether occupied or not, except momentarily to pick up or discharge passengers):
 - (a) In front of a public or private driveway.
 - (b) Within **fifteen (15) feet** of a fire hydrant.
 - (c) Within **twenty (20) feet** of a crosswalk at an intersection.
 - (d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.

- (e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).
- (f) At any place where official signs prohibit standing or parking.
- (3) **Parking a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):
 - (a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
 - (b) at any place where official signs prohibit parking;
 - (c) in yellow zones.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.
- (D) **Truck Parking Prohibitions.** No person shall park any vehicle, vehicles or trailer the length of which exceeds **twenty (20) feet** or any Second Division vehicle licensed for an "F" classification or higher:
 - (1) Upon any street, alley or any public way within the Village except for the purpose and time period reasonably necessary to load and unload the same.
 - (2) Upon public or private property within the Village with the motor running for a continuous period in excess of **thirty (30) minutes. (625 ILCS 5/3-815)**

24-6-5 LOAD LIMITS.

- (A) **Established.** There is hereby established "gross load limits" on certain Village streets. The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. The specified streets and the load limits are hereby listed in **Schedule "J"**.
- (B) **Restrictions.** It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, excepting those vehicles which are providing goods and services to Village residents or businesses including transit vehicles and waste hauling/recycling.
- (C) **Exceptions.** This Chapter shall not include pickup trucks, trucks operated by the Village maintenance and repairs on the street or the operation of a vehicle owned by the U.S. government or State of Illinois while on lawful business of these agencies.
(Ord. No. 866; 06-17-98)

24-6-6 TOWING CARS AWAY. The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours.**

Vehicles towed away shall be stored on a designated Village impoundment lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the Village in removing and storing such vehicle(s).

24-6-7 PARKING VIOLATIONS. Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the Village **Twenty Dollars (\$20.00)** for each such offense and **Fifty Dollars (\$50.00)** for the second

offense within **six (6) months**. Such payment may be made at the Village Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least **five (5) days**.

Provided, this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police and Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

(A) **Removal - Time Limit.** Any vehicle illegally parked for a period in excess of **twenty-four (24) hours** may be removed by a towing service authorized by the Police Department of the Municipality. In any emergency, any vehicle may be removed by any means when authorized by the Police Department of the Municipality.

(B) **Village Parking Lots.** No person shall park a motor vehicle on a Village parking lot unattended for more than **five (5) consecutive days**.

(C) **Parking Violation Ticket.** The parking violation ticket shall be as follows:

24-6-8 PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

24-6-9 SNOW ROUTES. It shall be unlawful to park a vehicle on the following designated streets at any time within **eighteen (18) hours** after a snowfall of **three (3) inches** or more, unless the street has been cleared of snow.

24-6-10 PARKING TICKETS - STATE STATUTE. The Village Board intends to utilize **Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5** and the procedure set forth therein.

The appropriate authorities are hereby authorized to utilize the statute and the procedure set forth therein.

24-6-11 PROHIBITION ON THROUGH COMMERCIAL TRAFFIC. No through commercial traffic shall be allowed on Old Bunkum Road for the purpose of preventing the through commercial traffic from using Old Bunkum Road in such a manner as to create a traffic hazard to pedestrians, other traffic, personal property or real property. This prohibition does not apply to private vehicles or to commercial vehicles used for services and deliveries at a location on Old Bunkum Road. **(Ord. No. 1064; 08-06-08)**

24-6-12 - 24-6-14 RESERVED.

DIVISION II – PARKING FOR THE HANDICAPPED

24-6-15 DESIGNATED PARKING. Certain parking spaces within the confines of the Village shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.

24-6-16 **USE OF DESIGNATED HANDICAPPED PARKING.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.** furnished by the Village.

24-6-17 **APPLICATION FOR ILLINOIS HANDICAPPED REGISTRATION PLATE.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. **(625 ILCS 5/11-1301.2)**

24-6-18 **PENALTY.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency of a Village Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance with departmental policies and in accordance with **Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes.** The registered owner of the vehicle as ascertained by the registration plates of the vehicle will be presumed to be in control of the vehicle and will be fined **Two Hundred Dollars (\$200.00).** The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle. **(625 ILCS 5/11-1301.3(C))**

24-6-19 **HANDICAPPED PARKING AREAS.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H".**

24-6-20 - 24-6-23 **RESERVED.**

DIVISION III – COMMERCIAL AND RESIDENTIAL RESTRICTED PARKING

24-6-24 **COMMERCIAL VEHICLE DEFINITION.** For the purposes of this Division, a "commercial vehicle" shall be defined as any of the following:

(A) Any vehicle requiring a driver's license greater than Class "D" as regulated by the State of Illinois.

(B) Any vehicle with an unloaded gross vehicle weight of greater than **eight thousand (8,000) pounds.** For the purposes of the measurement of the "weight" of the vehicle, the weight may be determined by either the scale weight or the weight at which the vehicle is registered, licensed and/or titled.

(C) Any vehicle with a height of greater than **seven (7) feet** from the top to bottom. For the purposes of the measurement of the "height" of a vehicle, the measurement shall be of the vertical distance between the lowest part of the tires of the measured vehicle to the top of the highest part of the measured vehicle. Any accessories, attachments, and materials fixed or carried upon such vehicle shall be considered part of the vehicle, with the exception of aerial antennas.

(D) Any vehicle with a length of greater than **twenty (20) feet** from front to back. For the purposes of the measurement of the "length" of a vehicle, the measurement shall be of horizontal distance between the front edge of the measured vehicle to the rear edge of the measured vehicle. Any

accessories, attachments, and materials fixed or carried upon such vehicle shall be considered part of the vehicle.

(E) Any non-motorized vehicle regardless of its weight, height or length when it has been detached from a motor vehicle that is capable of towing such non-motorized vehicle.

(F) Any trailer or a portable structure supported by wheels, jacks, skids or blocks without a permanent foundation which is towed or hauled by another vehicle and is used for carrying materials, goods or objects in furtherance of any industrial, commercial or business purpose, or is used as a temporary office.

(G) Any portable container or "POD", with or without wheels, that is used for temporary storage of household items, construction equipment, commercial equipment, industrial equipment or personal property.

24-6-25 RECREATIONAL VEHICLE DEFINITION. For the purposes of this Division, a "recreational vehicle" shall be defined as any type of vehicle used primarily for pleasure including, but not limited to, the following: campers, motor homes, pop-up campers, racing cars, boats, wave-runners, jet skis, snowmobiles, ATVs, and the trailers that have the ability to carry, hold or transport any of the vehicles defined in this definition.

24-6-26 PROHIBITION ON COMMERCIAL VEHICLE PARKING. Except for as stated otherwise in **Section 24-6-28**, no commercial vehicle shall be parked or stored in a residential district.

24-6-27 PROHIBITION ON RECREATIONAL VEHICLE PARKING. Except for as stated otherwise in **Section 24-6-28**, no recreational vehicle shall be parked or stored in a residential district.

24-6-28 EXCEPTIONS TO PROHIBITIONS. The aforementioned prohibitions in this Division do not apply to the following:

(A) Commercial vehicles temporarily parked at a residence solely because of services provided to that particular residential location but only while engaged in their customary business or commercial use.

(B) Commercial vehicles temporarily parked at a residence solely because of deliveries to that particular residential location but only while engaged in their customary business or commercial use.

(C) Commercial vehicles temporarily parked at a residence solely because of loading and unloading persons or property at that particular residential location but only while engaged in their customary business or commercial use.

(D) Commercial vehicles located in a fully enclosed permanent structure.

(E) Commercial vehicles located in the rear yard and completely screened from view by a solid wood fence, masonry wall, slatted chain link fence, or landscaping (i.e. trees or shrubs) that are at least **six (6) feet** in height. Temporary storage tents or covers for commercial vehicles shall not be considered to comply with this exception. For the purposes of this Division, the "rear yard" shall be that portion of the real property that is bounded by the side lot lines, rear lot line, and the rear building line of the structure on the real property.

(F) Commercial vehicles located in the side yard and completely screened from view by a solid wood fence, masonry wall, slatted chain link fence, or landscaping (i.e. trees or shrubs) that are at least **six (6) feet** in height. Temporary storage tents or covers for commercial vehicles shall not be considered to comply with this exception. For the purposes of this Division, the "side yard" shall be that portion of the real property that is bounded by the side lot lines and both the front and rear building lines of the structure on the real property.

(G) Recreational vehicles located in a driveway.

(H) Recreational vehicles located in a fully enclosed permanent structure.

(I) Recreational vehicles located in the rear yard and completely screened from view by a solid wood fence, masonry wall, slatted chain link fence, or landscaping (i.e. trees or shrubs) that are at least **six (6) feet** in height. Temporary storage tents or covers for commercial vehicles shall not be considered to comply with this exception. For the purposes of this Division, the "rear yard" shall be that portion of the real property that is bounded by the side lot lines, rear lot line, and the rear building line of the structure on the real property.

(J) Recreational vehicles located in the side yard and completely screened from view by a solid wood fence, masonry wall, slatted chain link fence, or landscaping (i.e. trees or shrubs) that are at least **six (6) feet** in height. Temporary storage tents or covers for recreational vehicles shall not be considered to comply with this exception. For the purposes of this Division, the "side yard" shall be that portion of the real property that is bounded by the side lot lines and both the front and rear building lines of the structure on the real property.

(K) Vehicles parked or left standing as a result of a mechanical breakdown so as to allow for the performance of emergency repairs on the vehicle, or while waiting for a tow operator, for a period not to exceed **four (4) hours**.

(L) Publicly owned or publicly franchised emergency or utility vehicles required by publicly franchised utility departments or municipal, state or federal governments to be taken home by on-call employees who are required to either respond to emergencies or to make emergency service calls or utility repairs.

(Ord. No. 1077; 12-17-08)
(See Section 1-1-20 for Penalties)

**ARTICLE VII – ABANDONED, LOST, STOLEN OR
UNCLAIMED VEHICLES**

24-7-1 ABANDONMENT OF VEHICLES PROHIBITED.

(A) The abandonment of a vehicle or any part thereof on any highway in this Village is unlawful and subject to penalties as set forth under **Section 1-1-20** of this Code.

(B) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Village is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the Village, after a waiting period of **seven (7) days** or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 5/11-40-3.1 of the Illinois Municipal Code. A violation of subsections (A) or (B) of this Section is subject to penalties as set forth under **Section 1-1-20** of this Code.

(C) A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to **ten (10) days** after the date of the tow, or any later date acceptable to the Secretary of State. This paragraph shall not apply to vehicles towed by order or authorization of the Village or a law enforcement agency. **(625 ILCS 5/4-201)**

24-7-2 ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLE NOTIFICATION TO LAW ENFORCEMENT AGENCIES.

When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this Village, not the owner of the vehicle, such person shall immediately notify the municipal police when the vehicle is within the corporate limits of any Village having a duly authorized police department, or the State Police or the county sheriff when the vehicle is outside the corporate limits of the Village. Upon receipt of such notification, the municipal police will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in **625 ILCS 5/4-204** for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Code. **(625 ILCS 5/4-202)**

24-7-3 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES; TOWING OR HAULING AWAY.

(A) When a vehicle is abandoned on a highway in an urban district **ten (10) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(B) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for **twenty-four (24) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(C) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

24-7-4 POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT. When a vehicle is authorized to be towed away as provided in **Section 24-7-2** or **24-7-3**:

(A) The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(B) The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

(C) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of the law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(D) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-204)**

24-7-5 RECORD SEARCHES FOR UNKNOWN OWNER.

(A) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(B) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than **ten (10) business days** after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a **ten (10) business day period** after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in **625 ILCS 5/4-209**.

(C) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

The written request of a towing service, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. Mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. Mail or other delivery service,

facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(D) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(E) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of the Illinois Municipal Code. Payment may be made by the towing service using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State. **(625 ILCS 5/4-205)**

24-7-6 IDENTIFYING AND TRACING OF VEHICLE. When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes as set forth in **Section 24-7-5** of this Code. **(625 ILCS 5/4-206)**

24-7-7 RECLAIMED VEHICLES; EXPENSES.

(A) Any time before a vehicle is sold at public sale or disposed of as provided in **Section 24-7-8**, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(B) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid. **(625 ILCS 5/4-207)**

24-7-8 DISPOSAL OF UNCLAIMED VEHICLE.

(A) When an abandoned, lost, stolen or unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice has been given as provided in **Sections 24-7-5** and **24-7-6** of this Article, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Article 5 of Chapter 625 of the Illinois Compiled Statutes** or the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in **Sections 24-7-5** and **24-7-6** of this Article as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle.

(B) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and **Section 24-7-9** of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(C) In those instances where the certified notification specified in **Section 24-7-5** and **24-7-6** of this Article has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required. **(625 ILCS 5/4-208)**

24-7-9 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled persons of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Article, the vehicle may be sold as provided for in **Section 24-7-8** without notice to any person whose identity cannot be determined.

(B) **Old Car.** When an abandoned vehicle of more than **seven (7) years** of age is impounded as specified by this Article, or when any such vehicle is towed at the request or with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the **ten (10) day** period, without the benefit of disposition information being received from the registered owner, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

- (1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.
- (2) The towing service may sell the vehicle in the manner provided in **Section 24-7-8** of this Article, provided that the paragraph shall not apply to vehicles towed by order or authorization of a law enforcement agency.

(C) **Antique Vehicle.** A vehicle classified as an antique vehicle, custom vehicle, or street rod may, however, be sold to a person desiring to restore it. **(625 ILCS Sec. 5/4-209)**

24-7-10 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES. Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and **65 ILCS 5/11-40-3.1**, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of **ten (10) days** for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the **ten (10) day** period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk. **(65 ILCS 5/4-209.1)**

24-7-11 COLLECTION OF UNPAID CHARGES. In an action to collect towing, storage, and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

24-7-12 POLICE RECORD FOR DISPOSED VEHICLE. When a vehicle in the custody of the Village or law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

24-7-13 PUBLIC SALE PROCEEDS; DISPOSITION OF.

(A) When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the Municipality.

(B) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of **625 ILCS 5/4-107** of the Illinois Vehicle Code. **(625 ILCS 5/4-211)**

24-7-14 **LIABILITY OF LAW ENFORCEMENT OFFICERS.**

(A) A law enforcement officer or agency, a department of municipal government designated under **625 ILCS 5/4-212.1** or its officers or employees, or a towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, lienholder or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Article.

(B) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of, or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation. **(625 ILCS 5/4-213)**

24-7-15 **VIOLATIONS OF ARTICLE.**

(A) Any person who violates **Section 24-7-1** of this Article or who aids and abets in that violation:

- (1) shall be subject to a mandatory fine of **Two Hundred Dollars (\$200.00)**; and
- (2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs pursuant to **Section 24-7-3(A) and (E)**.

(B) When a vehicle is abandoned, it shall be presumed that the last registered owner is responsible for the abandonment and shall be liable for all towing, storage, and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of **thirty (30) days'** storage fees.

The presumption established under this paragraph may be rebutted by a showing that, prior to the time of the tow:

- (1) a report of vehicle theft was filed with respect to the vehicle; or
- (2) the vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer.

If the presumption established under this Section is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-214)**

(Ord. No. 1709; 06-21-17)

ARTICLE VIII – IMPOUNDMENT OF VEHICLES

24-8-1 **DEFINITIONS.** For purposes of this Article, and the interpretation and enforcement thereof, the words, terms and phrases set forth below shall have these meanings as set forth in this Section:

- (A) "Motor Vehicle" means every vehicle which is self-propelled including, but not limited to, automobiles, trucks, vans, motorcycles, and motor scooters.
- (B) "Owner of Record" means the record title holder or holders of the Motor Vehicle.

24-8-2 **SPECIFIC OFFENSES; FEES.** Before the Owner of Record shall be entitled to the possession of any Motor Vehicle impounded due to its use in the commission of any misdemeanor offense other than driving under the influence, fleeing and eluding a peace officer, possession of cannabis and driving while license revoked, an administrative fee in the amount of **Two Hundred Dollars (\$200.00)**, which is in addition to any applicable towing and storage fees payable to a towing agent, must be paid to the Village. Misdemeanor offense shall be defined as any offense, except those specifically excluded, in which the maximum punishment is a fine or less than **one (1) year** in jail as provided by statute. **(Ord. No. 1801; 01-17-18)**

24-8-3 **ADMINISTRATIVE FEE.** Before the Owner of Record shall be entitled to the possession of any Motor Vehicle impounded due to its use in the commission of any offense listed below, an administrative fee in the amount of **Five Hundred Dollars (\$500.00)**, which is in addition to any applicable towing and storage fees payable to a towing agent, must be paid to the Village. Said offenses are as follows:

- (A) Any felony offense
- (B) Driving under the influence
- (C) Fleeing and eluding a Peace Officer
- (D) Possession of Cannabis (regardless of amount)
- (E) Driving while license revoked

(Ord. No. 1801; 01-17-18)

24-8-4 **RESPONSIBILITY FOR ADMINISTRATIVE FEE.** The administrative fee is required to be paid by the Owner of Record, regardless of whether the Owner of Record was driving, or within, the Motor Vehicle at the time of arrests and impoundment by the Police Department.

24-8-5 **DOCUMENTS REQUIRED.** The Owner of Record shall make payment in person and establish proof of ownership of the Motor Vehicle by title or bill of sale. If those documents are not available, then other proof of ownership, in a form acceptable to the Village, must be presented before a Motor Vehicle will be released. The Owner of Record will also be required to have a valid identification and current proof of vehicle insurance prior to the release of the Motor Vehicle. The Owner of Record must make payment of the administrative fee by cash, money order or certified check made payable to the Village.

24-8-6 **SEIZURE EXCEPTIONS.** For the purposes of this Article, a Motor Vehicle is not considered to have been used in a violation that would render such Motor Vehicle eligible for seizure and impoundment, and thus no administrative fee shall be charged, if:

- (A) the Motor Vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities after the theft was discovered;
- (B) the Motor Vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the Motor Vehicle;
- (C) the Motor Vehicle was involved in a traffic accident where there was not a custodial arrest;
- (D) the alleged Owner of Record provides adequate proof that the Motor Vehicle had been sold to another person prior to the violation; or,
- (E) any other offenses where the Owner of Record requesting the release is a victim of an offense regarding or involving the Motor Vehicle.

24-8-7 **TIME LIMIT AND DISPOSAL.** If the administrative fee and applicable towing and storage charges are not paid within **thirty (30) days** after an administrative fee is imposed under this Article, the Motor Vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles.

24-8-8 **FEDERAL DRUG ASSET FORFEITURE.** If the Motor Vehicle was seized and impounded pursuant to state or federal drug asset forfeiture laws and proceedings have been instituted under state or federal drug asset forfeiture laws, the Motor Vehicle may not be disposed of by the Village except as consistent with those proceedings. Notwithstanding any other provision of this Article, no Motor Vehicle that was seized and impounded pursuant to state or federal drug asset forfeiture laws shall be returned to the Owner of Record unless and until the Village has received notice from the appropriate state, or where applicable, federal officials either that forfeiture proceedings will not be instituted or that forfeiture proceedings have concluded and there is a settlement or a court order providing that the Motor Vehicle shall be returned to the Owner of Record.

(Ord. No. 1404; 02-19-14)

ARTICLE IX – GOLF CART AND SIDE-BY-SIDE CODE

24-9-1 DEFINITIONS.

(A) The term "golf cart" shall have the meaning defined in **625 ILCS 5/1-123.9**, namely, a vehicle specifically designed and intended for the purpose of transporting one or more persons and their golf clubs or maintenance equipment while engaged in playing golf, supervising the play of golf, or maintaining the condition of the grounds on a private golf course; provided, however, that the term shall not include any all-terrain vehicle as defined in **625 ILCS 5/1-101.8**, nor any off-highway motorcycle as defined by **625 ILCS 5/1-153.1** nor any recreational off-highway vehicle as defined by **625 ILCS 5/1-168.8** nor a vehicle capable of attaining speeds exceeding **twenty (20) miles per hour**. The term "side-by-side", also known as a Utility Task Vehicle (UTV), as is issued within this code, is defined as a small, one to six person, four wheel drive off road vehicle fitting within the meaning of "recreational off-highway vehicle" as defined in **625 ILCS 5/1-168.8**, namely, and motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers; provided, however, that the term shall not include any all-terrain vehicle as defined in **625 ILCS 5/1-101.8**, nor any off-highway motorcycle as defined by **625 ILCS 5/1-153.1**, nor any 4X4 vehicles which would not be included within the definition of all-terrain vehicle.

(B) The term "Village Street" means any street within the corporate limits of the Village of Caseyville, excluding State Roads and County Roads.

(C) The term "State Road" means any highway under the jurisdiction of the State of Illinois, including Highway 157/North Main Street, South Main Street, Lincoln Ave. and St. Clair Ave./Highway 50.

(D) The term "County Road" means any Highway under the jurisdiction of St. Clair County, Illinois, including Bunkum Road, Black Lane, East O'Fallon Drive east of South Drive.

24-9-2 RULES AND REGULATION. Except as provided in this Article, it is unlawful for any person to operate a golf cart or side-by-side upon any Village Street, State Road or County Road within the Village. A person operating a golf cart or side-by-side on Village Streets must comply with the following requirements:

(A) Must have a valid driver's license to operate a motor vehicle, issued by the State of Illinois or any other State recognized by the State of Illinois.

(B) Must maintain mandatory insurance requirements specified by the Illinois Motor Vehicle Code for passenger vehicles.

a. Even if insurance is not mandatory for a given golf cart or side-by-side in Illinois, golf cart and side-by-side must be insured for driver to receive a permit from the Village of Caseyville.

(C) Must display a Village of Caseyville permit in a visible location on the golf cart or side-by-side.

(D) Golf carts and side-by-sides must be equipped with brakes, a steering apparatus, tires, a rear view mirror, red reflectorized warning devices in front and rear, a slow moving emblem (as required of other vehicles in **625 ILCS 5/12-709**) on the rear of the golf cart or side-by side, **two (2)** head lights that emit a white light visible for a distance of at least **five hundred (500) feet** from the front, **two (2)** tail lamps that emit a red light visible from at least **one hundred (100) feet** from the rear, brake lights, turn signals and horn.

(E) When operated on the roadway, a golf cart and side-by-side must have its headlights and tail lamps lighted as required by **625 ILCS 5/12-201**.

(F) Must obey all traffic laws of the State of Illinois and Village of Caseyville.

(G) Must not operate on, along, or upon any State Road or County Road identified in **Section 24-9-1(C) and (D)** except to cross the State Road or County Road in the most direct manner possible at the State Road or County Road's intersection with another public street, road or highway.

(H) Any modification to the golf cart or side-by-side suspension may not exceed **six (6) inches** in height.

(I) Must not exceed a speed of **twenty (20) miles per hour**.

(J) Golf carts and side-by-sides may only operate on Village Streets between **7:00 A.M.** and **11:00 P.M.** Golf carts shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog, or any other condition limiting visibility, nor at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of **five hundred (500) feet**.

(K) Any person who drives or is in actual physical control of a golf cart or side-by-side on a Village Street, State Road or County Road while under the influence of alcohol, drugs or intoxicating compounds is subject to **625 ILCS 5/11-501** through **625 ILCS 5/11-502**, inclusive.

(L) Golf carts and side-by-sides shall not be operated on sidewalks, or in parks other than designated driving or parking areas, or other public places within the Village, other than in designated parking areas.

(M) Golf carts and side-by-sides shall not be operated off-road within the Village of Caseyville.

(N) Golf carts and side-by-sides shall not be operated on private property within the Village of Caseyville.

24-9-3 PERMITS.

(A) No person shall operate a golf cart or side-by-side on Village streets without obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for a period of **one (1) year** and may be renewed annually. A fee of **Fifty Dollars (\$50.00)** shall be payable to the Village for a permit. The existence of the required insurance coverage shall be verified by the Village Clerk or his designee when issuing or renewing the permit.

(B) Every application for a permit shall on a form specified by the Village and shall contain at least the following information:

- (1) The name and address of applicant.
- (2) Valid driver's license number and expiration date.
- (3) The name of the liability insurance carrier to include policy number.
- (4) The serial number or VIN, make, model and description of the golf cart or side-by-side.
- (5) A signed waiver of liability by the applicant, releasing the Village from any and all future claims resulting from the operation of the applicant's golf cart or side-by-side within the Village.
- (6) A copy of the liability insurance coverage card issued by the insurance carrier specifically applicable to the golf cart or side-by-side.
- (7) Any other information the Village may reasonably require to ensure compliance with this Article.

(C) Village Officials and Employees are instructed to keep statistical and demographic information collected through the permit process in order to maintain a log of the known license holders within the Village.

(D) Every golf cart and side-by-side must be inspected and approved by the Chief of Police, or his designee, to insure the vehicle is in compliance with the requirements of this Article.

(E) The Village Board may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this Article, or if there is evidence that the holder thereof cannot safely operate a motorized golf cart or side-by-side in compliance with this Article.

(F) The official start date and renewal date for side-by-side licenses shall be May 1 of the given year.

(G) The Golf Cart and Side-By-Side Permit Application is attached hereto as Exhibit A and the Unconditional and Full General Release of Liability, Waiver, Discharge and Covenant Not to Sue is attached hereto as Exhibit B.

24-9-4 PENALTIES

(A) Any person who violates any provisions of this Article shall be guilty of a petty offense and shall be punished by a fine of not less than **Seventy-Five Dollars (\$75.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)** and/or a penalty requiring such person to perform approved public service.

(B) If a golf cart or side-by-side is used in the commission of a crime, police are authorized to seize golf carts and side-by-side vehicles as in normally permitted by law regarding seizure of automobiles used in commission of crimes.

(C) Police are authorized to seize golf carts and side-by-sides should either be operated by driver who is over the legal alcohol limit.

(D) Police are authorized to seize golf carts and side-by-sides should either be operated by a driver who has consumed marijuana, is over the legal limit regarding marijuana consumption, and/or is unable to drive the golf cart or side-by-side in a safe manner.

(E) Police are authorized to seize golf carts and side-by-sides should either be operated by a driver incapable of driving the golf cart or side-by-side in a safe manner due to the consumption of illicit substances.

(F) Police hereby given authority to suspend golf cart and side-by-side permits administratively for up to a year, at police discretion, for:

- (1) Violations of rules of the road;
- (2) Failure to follow police instructions;
- (3) Repeat offenders (two or more offenses).

(G) Police authorized to suspend golf cart and side-by-side permits for repeat violations of the provision against driving golf cart and side-by-side off-road or on private property within Village of Caseyville city limits.

24-9-5

Currently active neighborhood associations that are willing and able to enforce their own rules may, at their discretion, put further restrictions on golf cart and side-by-side use, up to and including the outright banning of golf cart and side-by-side use, within their neighborhood. Neighborhood associations must be willing and able to enforce their own restrictions put on golf cart and side-by-side use, however, they are encouraged to communicate their restrictions to Village Police such that Police are aware of their rules and restrictions.

24-9-6

All ordinances, or parts thereof, previously adopted and inconsistent herewith, are hereby repealed.

24-9-7

This ordinance of the Village of Caseyville shall be in full force and effective after its passage, approval as provided by law, and the Village Clerk is hereby directed to cause this ordinance to be published immediately after its passage and approval.

24-9-8

SUNSET. This ordinance shall remain in effect until one year after its passage. One year after the date of enactment of this ordinance, without specific action by the Village of Caseyville Board of Trustees, this ordinance will die of its own accord. This year period is meant to be an experimental year for this ordinance. The Village of Caseyville Board of Trustees may, just prior to the sunset of this year, specifically act to modify the ordinance, or extend the ordinance, should they so choose.

SCHEDULE "A"

STOP INTERSECTIONS

In accordance with the provisions of Sections 23-3-1 and 23-3-3 of this Chapter, the following streets are hereby designated as stop intersections, to-wit:

I. ONE AND TWO-WAY STOPS.

<u>THROUGH STREET</u>	<u>STOP STREET – DIRECTION</u>
State Route 157	All Intersecting Streets
First	Hatten (#1092)
First St.	James St.
First St.	Powell St.
First St.	Washington St.
Second St.	Coal St.
Second	Heuckel (#538)
Second St.	Washington St.
Third St.	Tillman Ct.
Third St.	Washington St.
Third St.	Weinel Ct.
Third St.	Williams St.
Fourth St.	Coal St.
Fifth St.	Coal St.
Fifth St.	Morris St. (#626)
Fifth St.	Rich St.
Fifth St.	Washington St.
Fifth St.	William St.
S. Fifth St.	W. Washington St.
S. Fifth St.	Williams St.
Seventh St.	Countryside St. (Both) (#626)
N. 89 th St.	Cliff Dr.
N. 89 th St.	Garden Ave.
N. 89 th St.	Harvey Ln. (West Bd.)
N. 89 th St.	Kassing Dr. (Both)
N. 89 th St.	Maple Dr.
N. 89 th St.	Old Bunkum Rd.
Acordi Dr.	S. Fifth St.
Acordi Dr.	Sixth St.
Black Ln.	Botanical
Black Ln.	Caseyville Rd.
Black Ln.	Sterling Place
Bunkum Rd.	N. 89 th St.
Bunkum Rd.	Black Ln.
Caseyville Rd.	Fifth St.
Caseyville Rd.	Seventh St.
Caseyville Rd. (East End)	Susanne Ct.
Caseyville Rd. (West End)	Susanne Ct.
Chevy Chase Ln	Lexington Dr. (West) (#739)

THROUGH STREET**STOP STREET – DIRECTION**

Coal St.
 Countryside Dr.
 Countryside Dr.
 Countryside Dr.
 Forest Blvd.
 Hill Rd.
 Hill Rd.
 Lincoln St.
 Lincoln St.
 Lincoln St.
 Lincoln St.
 Long St.
 Long St.
 Long St.
 Long St.
 Long St.
 N. Long St.
 N. Long St.
 Main St. (Route 157)
 Main St. (Route 157)
 Main St. (Route 157)
 Main St. (Route 157)
 Morris
 Morris
 New Bunkum Rd.
 O'Fallon Dr.
 O'Fallon Dr.
 Parkdale Dr.
 Scates St.

Third St.
 S. Fifth St.
 Sixth St.
 Acordia Dr.
 Black Ln.
 High St.
 Twin St.
 First St.
 Second St.
 Third St.
 Fifth St.
 W. Barrett St.
 Harbor St.
 James St.
 W. O'Fallon Dr.
 Waite St.
 E. Barrett St.
 W. Barrett St.
 Petroff Dr. (West Bd.)
 Rauckman Dr. (West Bd.)
 Sasak Pl. (East Bd.)
 Tucker St. (Both)
 First St.
 Third St.
 Old Bunkum Rd.
 Center Dr.
 Valley Dr.
 Delmore Terrace
 First St.

II. TWO AND THREE-WAY STOPS – DIRECTION.

Bermuda	at	Parkdale Dr.
Brookside Dr.	at	Twin Dr.
Chevy Chase (Both)	at	Concord (West Bd.) (#739)
Long St.	at	Main St. (157) at Lincoln St.
Old Caseyville Rd. (East)	at	Fifth SWt. (Both) (#860)
Old Caseyville Rd. (Both)	at	Susanne Ct. (South Bd.) (#860)
Parkway St.	at	Burmuda St. (South Bd.) (#626)
Progress Ave. (Both)	at	Sasak Pl. (West Bd.) (#925)

III. FOUR-WAY STOPS.

First St.	at	Washington St. (944)
Second St.	at	James St.
Second St.	at	Morris
Second St.	at	W. Washington St. (#720)
Third St.	at	Coal St. (673)
Fourth St.	at	Cole St. (#665)
Seventh St.	at	Acordia Dr. (668A)
Bermuda	at	Botanical
Bermuda	at	Parkdale (#538)
Maple	at	Hatten St. (#543)
W. Morris	at	Long St.
Old Caseyville Rd.	at	Susanne Ct.
Reynolds	at	N. Long St. (626)
Scates St.	at	Long St.

IV. ELECTRIC TRAFFIC CONTROL SIGNAL LOCATIONS.

Bunkum Rd.	and	Main St. (157)
Main St. (157)	and	Caseyville Rd.
Main St. (157)	and	Highway I-64
O'Fallon Rd.	and	Main St. (157)

SCHEDULE "D"

SPEED ZONES

In accordance with the provisions of **Section 24-4-2(F)**, the following streets are hereby designated as speed zones, to-wit:

STREET - LIMIT	LOCATION
All Streets – 20 MPH	Unless otherwise posted (#921)
Old Bunkum Road – 20 MPH	Inside corporate limits (#1064)

SCHEDULE "E"

NO PARKING ZONES

In accordance with the provisions of **Section 24-6-4(C)**, the following streets are hereby designated as no parking zones, to-wit:

STREET - SIDE	LOCATION
All Streets	Vehicles over 16,000 pounds (#560)
Third St.	From Thilman St. and #Weinel St. (#656)
Coal St. (Both)	From Fifth St. to Third St. (#676)
Forest Blvd. (Both)	From Black Ln. west to Village limits (#588A)
Illinois Route 157 (Both)	From O'Fallon St. 30 feet (#518)
Morris St. (South)	From Alley east of Long St. west 15 feet (#589)
O'Fallon St. (Both)	From Illinois Route 157 30 feet (#518)
Within 25' of All Street Intersections listed in Schedules "A", "B", and "C" (#656)	

SCHEDULE "H"

HANDICAPPED PARKING LOCATIONS

In accordance with the provisions of **Section 24-6-19**, the following locations and streets are hereby declared to be handicapped parking spots; to-wit:

Village Hall

SCHEDULE "F"

LIMITED PARKING ZONES

In accordance with the provisions of **Section 23-6-4(C)**, the following streets are hereby designated as no parking zones, to-wit:

STREET - SIDE		LOCATION
10 Minute Parking		
Border of property fronting US Post Office (#538)		
15 Minute Parking		
Main St. (157) (West)	From	Washington St. to Lincoln St.
2 Hour Maximum Parking		
Center Dr. (Both)	From	O'Fallon Dr. to Hollywood Heights Rd. (#917)
Corporate Dr. (Both)	From	Black Ln. west to corporate limits (#917)
Forest Blvd. (Both)	From	Black Ln. west to corporate limits (#917)
Long St. (West)	From	20' north of Scates St. to 75' north (#626)
Old Country Inn Dr. (Both)		North and South of Tucker Dr. (#917)
Patricia Ct. (Both)		South of Rauckmann Dr. (#917)
Petroff Dr. (Both)		East of Illinois Route 157 to N. 89 th St. (#917)
Progress Ave. (Both)		New extension only (#917)
Rauckmann Dr. (Both)		East of Illinois Route 157 to N. 89 th St. (#917)
Sasak Place (Both)		West of Illinois Route 157 (#917)
Tucker Dr. (Both)		West of Illinois Route 157 (#917)
W. Washington		South side between S. Long and Illinois Route 157 (FAP 592) (#751)
No Parking From 2:00 A.M. to 6:00 A.M.		
S. Long St. (Both)	From	Con-Rail Crossing to W. Morris St. (#917)
E. Scates St. (Both)	From	S. Main St. to S. Long St. (#917)
W. Scates St. (Both)	From	S. Long St. to S. First St. (#917)
No School Bus Parking -- 2:30 P.M. to 4:00 P.M. on Scheduled School Days.		
Third St. (East Side)	At	Weinel Court intersection (#629)
Mailboxes From 8:00 A.M. to 5:00 P.M. Monday through Saturday.		
Within 6 feet of either side of a mailbox (#699)		

SCHEDULE "I"

SLOW CHILDREN PLAY ZONES

In accordance with the provisions of **Section 23-4-2(H)**, the following are designated as "Slow Children Playing" areas:

STREET		LOCATION
8800 Parkdale Ave.		North Side (#560)
89 th St.	From	Crest Dr. to Old Bunkum Rd. (#629)

SCHEDULE "J"

LOAD LIMIT STREETS

In accordance with the provisions of **Section 23-6-6**, the following streets are hereby designated as load limit or weight limit zones, to-wit:

STREET - LIMIT	LOCATION
E. James St. – 8,000 lbs.	Entire Street (#505)
All Village Streets – 12 tons gross weight (#957)	

VILLAGE OF CASEYVILLE GOLF CART/SIDE-BY-SIDE PERMIT APPLICATION

This application is for the permit to operate a "golf cart" or "side-by-side" on Village of Caseyville streets in accordance with Village of Caseyville Ordinance No. 2021-03.

APPLICANT INFORMATION

Name _____ Date of Birth _____

Address _____ Phone Number _____

DL Number _____ Expiration Date _____

Liability Insurance Carrier _____

Policy Number _____

GOLF CART/SIDE-BY-SIDE INFORMATION

Make _____ Model _____ Color _____

Serial Number or VIN _____ Number of seats _____

Description of the Golf Cart or Side-By-Side:

I, _____, hereby acknowledge receipt of a copy of the Village of Caseyville Ordinance No. 2021-03 and affirm that all information provided above is true, accurate, and factual.

Signature of Applicant

Date

UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE

_____ This is a legally-binding unconditional and full general release of liability, waiver discharge and covenant not to sue made by me (hereafter referred to as owner/operator) to the Village of Caseyville, its employees and its Trustees (hereafter referred to as the Village)

_____ I fully understand and recognize that there are DANGERS AND RISKS to which I may expose by operating a golf cart or side-by-side on the Village Streets, to include but not limited to injury to myself or others, damage to my property or that of others, DEATH of MYSELF or OTHERS.

_____ In no event shall the Village be liable for direct, indirect, special, incidental or consequential damages, whether arising in tort, contract or other legal theory, in connection with or arising out of operator/owner’s use of a golf cart or side-by-side on the Village Streets.

_____ The owner/operator, as of the date below, shall hereinafter save, hold harmless, and indemnify the Village against any and all liability, claims, cause of action, and cost of whatsoever kind of nature including, without being limited to injury, damage, loss including death, resulting from, arising out of, or occurring in connection with the use of this golf cart or side-by-side on Village Streets.

_____ I understand that the Village has an Ordinance governing the use of golf carts and side-by-sides on the Village Streets. I have had the opportunity to read said Ordinance and my signature below acknowledges that I will comply with this Ordinance and all of the applicable traffic laws of the State of Illinois at all times when operating this golf cart or side-by-side on Village Streets.

_____ I understand that although the golf cart or side-by-side has been inspected by the Village; the Village accepts no responsibilities for the mechanical functions of the golf cart or side-by-side. The inspection is only to insure required equipment is on and operating on the golf cart or side-by-side. The owner/operator assumes all mechanical and electrical responsibilities of the golf cart or side-by-side.

_____ If the owner/operator allows another person to operate the golf cart or side-by-side, the owner/operator assumes all the same responsibilities, including holding the Village harmless and indemnifying the Village for any and all damages described above loss of property or life.

_____ I understand that this Release means I am giving up, among other things, rights to sue the Village, its Board of Trustees, employees, and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

_____ Witness

_____ Date

_____ Owner/Operator

_____ Date

NUISANCES

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
<i>I</i>	<i>GENERALLY</i>	
	<i>Section 25-1-1 - Specific Nuisances Enumerated</i>	<i>25-1</i>
	<i>Section 25-1-2 - Nuisances Detrimental to Health Generally</i>	<i>25-2</i>
	<i>Section 25-1-3 - Notice to Abate</i>	<i>25-3</i>
	<i>Section 25-1-4 - Hearing</i>	<i>25-3</i>
	<i>Section 25-1-5 - Appeal</i>	<i>25-3</i>
	<i>Section 25-1-6 - Abatement by Village</i>	<i>25-3</i>
	<i>Section 25-1-7 - Failure to Comply with Notice</i>	<i>25-3</i>
<i>II</i>	<i>WEEDS</i>	
	<i>Section 25-2-1 - Definition</i>	<i>25-4</i>
	<i>Section 25-2-2 - Height</i>	<i>25-4</i>
	<i>Section 25-2-3 - Notice</i>	<i>25-4</i>
	<i>Section 25-2-4 - Service of Notice</i>	<i>25-4</i>
	<i>Section 25-2-5 - Abatement</i>	<i>25-4</i>
	<i>Section 25-2-6 - Lien</i>	<i>25-4</i>
	<i>Section 25-2-7 - Payment</i>	<i>25-4</i>
	<i>Section 25-2-8 - Foreclosure of Lien</i>	<i>25-5</i>
<i>III</i>	<i>GARBAGE AND DEBRIS</i>	
	<i>Section 25-3-1 - Accumulation Prohibited</i>	<i>25-6</i>
	<i>Section 25-3-2 - Notice to Person</i>	<i>25-6</i>
	<i>Section 25-3-3 - Service of Notice</i>	<i>25-6</i>
	<i>Section 25-3-4 - Abatement</i>	<i>25-6</i>
	<i>Section 25-3-5 - Lien</i>	<i>25-6</i>
	<i>Section 25-3-6 - Payment</i>	<i>25-6</i>
	<i>Section 25-3-7 - Foreclosure of Lien</i>	<i>25-6</i>
<i>IV</i>	<i>INOPERABLE MOTOR VEHICLE</i>	
	<i>Section 25-4-1 - Definitions</i>	<i>25-7</i>
	<i>Section 25-4-2 - Declaration of Nuisance</i>	<i>25-7</i>
	<i>Section 25-4-3 - Notice to Owner</i>	<i>25-7</i>
<i>V</i>	<i>DANGEROUS AND UNSAFE PROPERTIES</i>	
	<i>Section 25-5-1 - Adoption by Reference</i>	<i>25-8</i>
<i>VI</i>	<i>PENALTIES AND SPECIAL ASSESSMENT</i>	
	<i>Section 25-6-1 - Special Assessment</i>	<i>25-8</i>

CHAPTER 25

NUISANCES

ARTICLE I – GENERALLY

25-1-1 **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village, for any person, firm or corporation within the limits of the Village to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G) **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I) **Wells Unplugged.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J) **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "**burn-out pit**" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates

to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the Village or within **one and one-half (1 ½) miles** of the Village limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

(P) **Expectorate.** To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit upon or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets of the Village from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the Village.

(S) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(T) **Bringing Nuisances into the Village.** To bring into the Village or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the Village, or which may or shall be dangerous or detrimental to health.

(U) **Offensive Liquids.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) **Dense or Offensive Smoke.** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

(W) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(X) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(Y) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this Village from declaring what shall be nuisances, and abating them within the Village limits.

25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the Village if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3 **NOTICE TO ABATE.** Whenever the Code Enforcement Officer finds that a nuisance exists, he may serve the notice to the violator or he shall direct the Village Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D) The date by which abatement must be completed;
- (E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (F) A statement that the responsible party has a right to appeal the abatement order to the Village Board of Trustees.
- (G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this Village will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 **HEARING.** Any person ordered to abate a nuisance may have a hearing with the Code Enforcement Officer or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the Village Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Code Enforcement Officer or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

25-1-5 **APPEAL.** Any party aggrieved by the decision of the Code Enforcement Officer may appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the Board of Trustees at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-6 **ABATEMENT BY VILLAGE.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this Village may perform the required action to abate. Any Village official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the Village Clerk who shall pay such expenses on behalf of this Village. **(See 65 ILCS 5/11-60-2)**

25-1-7 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The Village shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

(65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)

(See Section 1-1-20 for Penalty)

ARTICLE II - WEEDS

25-2-1 **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, grass and all other noxious weeds as defined by the statutes of the State of Illinois.

25-2-2 **HEIGHT.** It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding **eight (8) inches** anywhere in the Village. Any such plants, weeds, or grass exceeding such height are hereby declared to be a nuisance.

25-2-3 **NOTICE.** The Code Enforcement Officer or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served. If the nuisance exceeds ten (10 inches in height, no notice need be given prior to the Village taking appropriate measures to vacate the abatement or cite the offending person(s).

25-2-4 **SERVICE OF NOTICE.** Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Code Enforcement Officer or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-2-6 **LIEN.** Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

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

25-2-7 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 FORECLOSURE OF LIEN. Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village after the lien is in effect for **sixty (60) days.**

25-2-9 PENALTY.

- (A) A person shall be guilty of a violation of this Code if (1) the height of the grass nuisance exceeds eight (8) inches but is less than, or equal to ten (10) inches and the person fails to abate the grass nuisance no later than five (5) days after receiving written notice to abate; or (2) the height of the grass nuisance exceeds ten (10) inches. The Village shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and /or repeated. Each day that the nuisance remains unabated shall be considered a separate violation.
- (B) Penalty. Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum time of not less than One Hundred Fifty Dollars (\$150.00) and no more than Seven Hundred Fifty Dollars (\$750.00).

The Board authorizes the appropriate personnel to take any and all actions reasonably necessary to carry out the provisions for this ordinance.

This ordinance shall take effect upon publication as provided by law.

ARTICLE III - GARBAGE AND DEBRIS

25-3-1 **ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 **NOTICE TO PERSON.** The Code Enforcement Officer or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

25-3-3 **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Code Enforcement Officer or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

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

25-3-6 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

(65 ILCS 5/11-20-13 and 720 ILCS 5/47-10)

(See Section 1-1-20 for Penalty)

ARTICLE IV - INOPERABLE MOTOR VEHICLE

25-4-1 **DEFINITIONS.** For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

"INOPERABLE MOTOR VEHICLES" shall mean any motor vehicle which, for a period of at least **seven (7) days**, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable Motor Vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

25-4-2 **DECLARATION OF NUISANCE.** The Village does hereby declare all inoperable and abandoned motor vehicles, whether on public or private property, to be a nuisance. However, nothing in this Section shall apply to any motor vehicle that is kept within a building or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. **(Ord. No. 1146; 10-12-12)**

25-4-3 **NOTICE TO OWNER.** The Code Enforcement Officer or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after **seven (7) days** from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

(65 ILCS 5/11-40-3)

(See Section 1-1-20 for Penalty)

ARTICLE V - DANGEROUS AND UNSAFE PROPERTIES

25-5-1 **ADOPTION BY REFERENCE.** The Village may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the Village and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those building. Therefor, the Village does hereby adopt by reference the applicable provisions of Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1 governing dangerous and unsafe buildings.

ARTICLE VI - PENALTIES AND SPECIAL ASSESSMENT

25-6-1 **SPECIAL ASSESSMENT.** In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq., and (iv) a lien has been filed of record by the municipality in the office of the Recorder of Deeds in the county in which the property is located, then those costs may be collected as a special assessment on the property pursuant to **65 ILCS 5/9-2-4.5**. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

OFFENSES

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	DEFINITIONS	
	Section 27-1-1 - Meanings of Words and Phrases	27-1
	Section 27-1-2 - Criminal Code Adopted	27-1
II	GENERALLY	
	Section 27-2-1 - Disturbing Police Officer	27-1
	Section 27-2-2 - Impersonation of Officer	27-1
	Section 27-2-3 - Disturbing Lawful Assemblies	27-1
	Section 27-2-4 - Unlawful Assembly	27-1
	Section 27-2-5 - Disturbing the Peace	27-2
	Section 27-2-6 - Admission Fees; Fraudulently Avoiding Payment of	27-2
	Section 27-2-7 - Sale of Cigarettes or Tobacco to Minors	27-2
	Section 27-2-8 - Smokeless Tobacco	27-2
	Section 27-2-9 - Unlawful Conduct on a Public Way	27-2
	Section 27-2-10 - Aid in Escape	27-3
	Section 27-2-11 - Escapes	27-3
	Section 27-2-12 - False Pretenses	27-3
	Section 27-2-13 - Renting Premises for Unlawful Purposes	27-3
	Section 27-2-14 - Aid to an Offense	27-3
	Section 27-2-15 - Posting Bills	27-3
	Section 27-2-16 - Intoxication in Public	27-3
	Section 27-2-17 - Begging	27-3
	Section 27-2-18 - Concealed Weapons	27-3
	Section 27-2-19 - Discharge of Firearms or Bow and Arrow	27-4
	Section 27-2-20 - Games in Street	27-4
	Section 27-2-21 - Storage of Explosives	27-4
	Section 27-2-22 - Throwing Rocks	27-4
	Section 27-2-23 - Destruction of Public Property	27-4
	Section 27-2-24 - Fortune Telling	27-4
	Section 27-2-25 - Abandoned Refrigerators or Iceboxes	27-4
	Section 27-2-26 - Halloween Curfew	27-4
	Section 27-2-27 - Theft of Recyclables Unlawful	27-5
	Section 27-2-28 - Throwing Objects From Motor Vehicles	27-5
	Section 27-2-29 - Depositing of Snow and Ice Restricted	27-5
	Section 27-2-30 - Protective Covering or Fencing	27-5
	Section 27-2-31 - Curfew Hours for Minors	27-5
	Section 27-2-32 - Sanctity of Funeral and Memorial Services	27-7
	Section 27-2-33 - Use of Upholstered Furniture in Outdoor Locations Prohibited	27-7
	Section 27-2-34 - Powdered Liquor or Caffeine	27-7
	Section 27-2-35 - Noise Pollution Prohibited	27-8
III	OFFENSES AGAINST PROPERTY	
	Section 27-3-1 - Petty Theft	27-9
	Section 27-3-2 - Criminal Damage to Property	27-9
	Section 27-3-3 - Criminal Damage to Fire-Fighting Apparatus, Hydrants or Equipment	27-9

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
III	OFFENSES AGAINST PROPERTY (CONTINUED)	
	Section 27-3-4 - Injury to Utility Wires and Poles	27-9
	Section 27-3-5 - Damage or Destruction of Street Signs Prohibited	27-9
	Section 27-3-6 - Tampering With Public Notice	27-9
	Section 27-3-7 - Electronic Devices to Kill Insects	27-9
IV	PUBLIC HEALTH, SAFETY AND DECENCY	
	Section 27-4-1 - Disorderly Conduct; Elements of the Offense	27-10
	Section 27-4-2 - Resisting or Obstructing a Peace Officer	27-10
	Section 27-4-3 - Refusing to Aid an Officer	27-10
	Section 27-4-4 - Assembling at Public Places and Businesses	27-10
V	ANTI-LITTER	
	Section 27-5-1 - Definitions	27-12
	Section 27-5-2 - Littering Prohibited	27-12
	Section 27-5-3 - Prevention of Scattering	27-13
	Section 27-5-4 - Receptacles - Upsetting or Tampering	27-13
	Section 27-5-5 - Sidewalks and Alleys Free From Litter	27-13
	Section 27-5-6 - Owner to Maintain Private Premises	27-13
	Section 27-5-7 - Littering from Vehicles	27-13
	Section 27-5-8 - Littering from Aircraft	27-13
	Section 27-5-9 - Litter in Parks	27-13
	Section 27-5-10 - Handbills	27-13
	Section 27-5-11 - Posting Notices Prohibited	27-14
	Section 27-5-12 - Construction Sites	27-14
	Section 27-5-13 - Loading and Unloading Docks	27-14
	Section 27-5-14 - Parking Lots	27-14
VI	TRESPASS	
	Section 27-6-1 - Trespasses Prohibited	27-15
	Section 27-6-2 - Specifically Enumerated Trespasses – Suppression	27-15
VII	PARENTAL RESPONSIBILITY REGULATIONS	
	Section 27-7-1 - Definitions	27-16
	Section 27-7-2 - Parents and Guardians Responsible for Acts	27-16
VIII	TRUANCY AND CURFEW CODE	
	Section 27-8-1 - Definitions	27-17
	Section 27-8-2 - Curfew Restrictions	27-18
	Section 27-8-3 - Truancy Restrictions	27-18
	Section 27-8-4 - Establishment Restrictions	27-19
	Section 27-8-5 - Enforcement Restrictions	27-19
	Section 27-8-6 - Penalty	27-19
	Section 27-8-7 - Civil Liability	27-20

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IX	OPEN BURNING	
	Section 27-9-1 - Definitions	27-21
	Section 27-9-2 - Burning Prohibited	27-21
	Section 27-9-3 - Restrictions on Burning of Landscape Waste	27-21
X	SKATEBOARDS AND TOY VEHICLES	
	Section 27-10-1 - Definitions	27-22
	Section 27-10-2 - Skateboarding on a Street	27-22
	Section 27-10-3 - Clinging to a Vehicle	27-22
	Section 27-10-4 - Yield Right-of-Way	27-22
	Section 27-10-5 - Skateboarding on Private Property	27-22
	Section 27-10-6 - Skateboarding on Public Property	27-22
	Section 27-10-7 - Skateboarding in the Business District	27-22
	Section 27-10-8 - Damaging Village Property	27-22
	Section 27-10-9 - Skateboard Ramps	27-22
	Section 27-10-10 - Agreement for Impoundment	27-22
XI	ADULT USES REGULATED	
	Section 27-11-1 - Purpose and Additional Findings	27-23
	Section 27-11-2 - Definitions	27-24
	Section 27-11-3 - Prohibition	27-24
	Section 27-11-4 - Limitation	27-24
XII	OBSCENITY	
	Section 27-12-1 - Obscenity	27-25
	Section 27-12-2 - Harmful Material	27-26
	Section 27-12-3 - Tie-In Sales of Obscene Publications to Distributors	27-27
XIII	SMOKE FREE AIR CODE	
	Section 27-13-1 - Background	27-28
	Section 27-13-2 - Purpose	27-28
	Section 27-13-3 - Definitions	27-28
	Section 27-13-4 - Prohibition in Enclosed Public Places	27-29
	Section 27-13-5 - Prohibition in Unenclosed Public Places and Outdoor Venues	27-30
	Section 27-13-6 - Prohibition in Places of Employment	27-30
	Section 27-13-7 - Prohibition in Open Air Dining Areas	27-30
	Section 27-13-8 - Prohibition at Public Entrances	27-30
	Section 27-13-9 - Designation of Other No-Smoking Areas	27-30
	Section 27-13-10 - No Retaliation	27-30
	Section 27-13-11 - Signs	27-30
	Section 27-13-12 - Exemptions	27-31
	Section 27-13-13 - Penalties	27-31
	Section 27-13-14 - Severability	27-31

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
XIV	SYNTHETIC DRUGS	
	Section 27-14-1 - Sale, Possession or Delivery of Synthetic Cocaine Prohibited	27-32
	Section 27-14-2 - Sale, Possession or Delivery of Synthetic Cannabis Prohibited	27-33
XV	REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS	
	Section 27-15-1 - Definitions	27-35
	Section 27-15-2 - Prohibited Acts	27-35
	Section 27-15-3 - Penalty	27-36
	Section 27-15-4 - Other Provisions	27-36
XVI	DRUG PARAPHERNALIA	
	Section 27-16-1 - Definitions	27-37
	Section 27-16-2 - Possession of Cannabis or Controlled Substance	27-37
	Section 27-16-3 - Possession of Drug Paraphernalia	27-37
	Section 27-16-4 - Exemptions	27-38
	Section 27-16-5 - Penalty	27-38
XVII	CONTAMINATION OF BUILDINGS	
	Section 27-17-1 - Methamphetamine Contamination of Buildings or Structures Illegal	27-39
	Section 27-17-2 - Methamphetamine Contamination Abatement	27-39
	Section 27-17-3 - Methamphetamine Abatement Procedure	27-39
	Section 27-17-4 - Notice to Abate Toxic Contamination	27-40
XVIII	CHILD SAFETY ZONES	
	Section 27-18-1 - Definitions	27-41
	Section 27-18-2 - Sex Offender Prohibition	27-41
	Section 27-18-3 - Exceptions and Affirmative Defenses	27-42
	Section 27-18-4 - Evidentiary Matters	27-42
	Section 27-18-5 - Enforcement	27-43
	Section 27-18-6 - Penalty	27-43

CHAPTER 27

OFFENSES

ARTICLE I – DEFINITIONS

27-1-1 **MEANINGS OF WORDS AND PHRASES.** For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20**, as approved, adopted and amended are hereby adopted by the Village, as fully as if set out herein. **(65 ILCS 5/1-3-2)**

27-1-2 **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village; the provisions thereof shall be controlling within the corporate limits of the Village; provided, however, the penalties as provided by this Code shall apply. **(65 ILCS 5/1-3-2 and 5/11-1-1)**

ARTICLE II - GENERALLY

27-2-1 **DISTURBING POLICE OFFICER.** No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the Village owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace. **(65 ILCS 5/11-1-1)**

27-2-2 **IMPERSONATION OF OFFICER.** No person in the Village shall falsely represent himself to be an officer of the Village or shall, without being duly authorized by the Village, exercise or attempt to exercise any of the duties, functions or powers of the Village officer, or hinder, obstruct, resist or otherwise interfere with any Village officer in the discharge of the duties of his office. **(65 ILCS 5/32-5.1)**

27-2-3 **DISTURBING LAWFUL ASSEMBLIES.** It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct. **(65 ILCS 5/11-5-2)**

27-2-4 **UNLAWFUL ASSEMBLY.** It shall be illegal for persons to assemble unlawfully in the following situations:

- (A) The use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law; or
- (B) The assembly of **two (2)** or more persons to do an unlawful act; or
- (C) The assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a

violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. **(720 ILCS 5/25-1) (65 ILCS 5/11-5-2)**

27-2-5 **DISTURBING THE PEACE.** No person shall disturb the peace of any individual or private family, or of any lawful congregation within the Village by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct. **(65 ILCS 5/11-5-2)**

27-2-6 **ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF.** It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-7 **SALE OF CIGARETTES OR TOBACCO TO MINORS.** No minor under **eighteen (18)** years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under **eighteen (18) years of age.**

For the purpose of this Section, "smokeless tobacco" is defined in **Section 27-2-9(A).**

(A) Tobacco products listed above may be sold through a vending machine only in the following locations:

- (1) Factories, businesses, office, private clubs, and other places not open to the general public.
- (2) Places to which minors under **eighteen (18) years** of age are not permitted access.
- (3) Places where alcoholic beverages are sold and consumed on the premises.
- (4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over **eighteen (18) years** of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this Section, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.
- (5) Places where the vending machine can only be operated by the owner or an employee over age **eighteen (18)** either directly or through a remote control device if the device is inaccessible to all customers.

(720 ILCS 675/1)

27-2-8 **SMOKELESS TOBACCO.**

(A) **Definition.** For the purposes of this Section, the term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(B) **Sales of Smokeless Tobacco Products to Persons Under Eighteen (18).** No person shall sell any smokeless tobacco product to any person under the age of **eighteen (18).**

(C) **Distribution.** No person shall distribute or cause to be distributed to any person under the age of **eighteen (18)**, without charge or at a nominal cost, any smokeless tobacco product. **(720 ILCS 680-1 et seq.)**

27-2-9 **UNLAWFUL CONDUCT ON A PUBLIC WAY.**

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

27-2-10 **AID IN ESCAPE.** It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge. **(720 ILCS 5/31-7)**

27-2-11 **ESCAPES.** It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(720 ILCS 5/31-6(C))**

27-2-12 **FALSE PRETENSES.** It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-13 **RENTING PREMISES FOR UNLAWFUL PURPOSES.** It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-14 **AID TO AN OFFENSE.** It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-15 **POSTING BILLS.** It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper Village and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-2-16 **INTOXICATION IN PUBLIC.** No person shall, in the Village, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this Village or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the Village, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. **(65 ILCS 5/11-5-3)**

27-2-17 **BEGGING.** No person shall beg or solicit alms within the Village without having obtained permission in writing from the Mayor. **(65 ILCS 5/11-5-4)**

27-2-18 **CONCEALED WEAPONS.** No person shall, within the Village, carry or wear under his clothes, or concealed about his person, any pistol or hand gun, without being the holder of an Illinois Concealed Carry License. Additionally, no person, shall within the Village, carry or wear under his clothes or conceal about his person any sling-shot, cross knuckles, knuckles of lead, brass or other metal, switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any Sheriff or Deputy Sheriff or Constable of this State, nor to any United States Marshal.

27-2-19 **DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the Village or so that the bullet, arrow, missile or projectile therefrom enters the Village without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the discharge of bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel.

27-2-20 **GAMES IN STREET.** No person shall, upon any Village street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-21 **STORAGE OF EXPLOSIVES.**
(A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the Village, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.
(B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the Village in any quantity exceeding **five (5) pounds. (65 ILCS 5/11-8-4)**

27-2-22 **THROWING ROCKS.** No person in the Village shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-23 **DESTRUCTION OF PUBLIC PROPERTY.** No person in the Village shall deface, destroy, or in any way, injure any public property, or any other apparatus of the Village.

27-2-24 **FORTUNE TELLING.** No person in the Village shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

27-2-25 **ABANDONED REFRIGERATORS OR ICEBOXES.** It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. **(720 ILCS 505/1)**

27-2-26 HALLOWEEN CURFEW. It shall be illegal for any person to engage in Halloween practice, commonly called "**Trick or Treat**", by calling at the homes or dwelling places within the Village, either masked or unmasked, except on a day designated by the Village Board and no later than **9:00 P.M. (65 ILCS 5/11-1-5)**

27-2-27 THEFT OF RECYCLABLES UNLAWFUL. It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the Village limits unless said person is acting as an agent for the Village or acting as an agent for a waste hauler licensed by the Village.

27-2-28 THROWING OBJECTS FROM MOTOR VEHICLES. Pursuant to the police powers in **65 ILCS 5/11-1-1** it shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

The driver and/or all passengers shall be, upon conviction, fined in accordance with the provisions of the Village Code and shall be liable for all damage, injury or harm caused by the activity. **(See Section 27-3-2)**

27-2-29 DEPOSITING OF SNOW AND ICE RESTRICTED. No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts. **(65 ILCS 5/11-80-13)**

27-2-30 PROTECTIVE COVERING OR FENCING. Any person, corporation or partnership which either owns, or maintains, or uses, or abandons any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing is guilty of a violation of **Section 1-1-20** of this Code. The provisions of this Act shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(720 ILCS 605/1)**

27-2-31 CURFEW HOURS FOR MINORS.

(A) **Definitions.** Whenever used in this Section.

(1) **"Curfew hours"** means:

- (a) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
- (b) 12:01 A.M. until 6:00 A.M. on Saturday; and
- (c) 12:01 A.M. until 6:00 A.M. on Sunday.

(2) **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) **"Establishment"** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

- (4) **"Guardian"** means:
 - (a) A person who, under court order, is the guardian of the person of a minor; or
 - (b) A public or private agency with whom a minor has been placed by a court.
- (5) **"Minor"** means any person under **eighteen (18) years** of age.
- (6) **"Operator"** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) **"Parent"** means a person who is:
 - (a) A natural parent, adoptive parent, or stepparent of another person; or
 - (b) At least **twenty-one (21) years** of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) **"Public Place"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- (9) **"Remain"** means to:
 - (a) linger or stay; or
 - (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- (10) **"Serious bodily injury"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(B)

Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the Village during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Village during curfew hours.
- (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C)

Defenses.

- (1) It is a defense to prosecution under subsection (B) that the minor was:
 - (a) Accompanied by the minor's parent or guardian;
 - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (c) In a motor vehicle involved in interstate travel;
 - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (e) Involved in an emergency;
 - (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the Village, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any

detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the Village, a civic organization or another similar entity that takes responsibility for the minor;

- (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.
- (2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.
- (D) **Enforcement.** Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present.

27-2-32 SANCTITY OF FUNERAL AND MEMORIAL SERVICES. It shall be unlawful for a person to violate any of the following provisions of this Section:

(A) Engaging in any loud protest of signing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(D) Ending in a directed protest march or picket at any public location within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates.

27-2-33 USE OF UPHOLSTERED FURNITURE IN OUTDOOR LOCATIONS PROHIBITED.

(A) Upholstered or other furniture designed or manufactured primarily for indoor use shall not be used or allowed to remain:

- (1) on unenclosed exterior porches or balconies;
- (2) in an open area on private property exposed to outdoor weather conditions.

(B) It shall not be a defense to said prohibition that such furniture is covered by plastic cover, or other tarpaulin, canvas or sheeting.

(C) This prohibition shall not apply to the following:

- (1) wood, metal, or plastic furniture;
- (2) outdoor patio furniture with weather-resistant cushions;

- (3) upholstered furniture designated for prepaid special pickup or delivery by public or private hauler, provided that such remain outdoors for a period not to exceed **seventy-two (72) hours**.

27-2-34 **POWDERED LIQUOR OF CAFFEINE.** It shall be unlawful for anyone to sell or give away powdered liquor or caffeine.

27-2-35 **NOISE POLLUTION PROHIBITED.**

(A) **Definition.** The term "person" when used in this Article, shall mean any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, or any legal successor, representative, agent or agency of the foregoing.

(B) **Noise Prohibited.** It shall be unlawful and a nuisance for any person to make, continue, or cause to be made or continued any loud, unreasonably loud, disturbing, unnecessary or excessive noise which unreasonably interferes with the comfort, health or safety of others. No person shall cause or allow the emission of, beyond the boundaries of his or her property, any sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity. **(Ord. No. 2018-07; 04-04-18)**

(C) **Declared Nuisances.** The following shall be declared a nuisance and shall be unlawful:

- (1) For a motor vehicle operator to operate or play any radio, musical instrument or similar device from said motor vehicle, whether the vehicle is stationary or otherwise, in such a manner as to be plainly audible to any other person other than the player or operator of the device at a distance of **one hundred (100) feet**.
- (2) For a pedestrian to operate or play any radio, musical instrument or similar device in such a manner as to be plainly audible to any other person other than the player or operator of the device at a distance of **one hundred (100) feet**.
- (3) For any person to operate or play any radio, television, musical instrument or similar device or to produce live music, sound or noise, whether from a business, residence or any other premises, in such a manner as to be plainly audible outside of the real property boundary of such business, residence or other premises between the hours of **eleven o'clock (11:00) P.M.** and **nine o'clock (9:00) A.M.**, Central Standard Time (CST). **(Ord. No. 2018-07; 04-04-18)**
- (4) For any person to keep any animal, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any ordinary person.
- (5) For any person to load, unload, open, close or other handling of boxes, crates, containers, building materials, garbage trucks or similar objects in such a manner as to cause a noise disturbance across residential real property boundary or any person to operate or permit the operation of any tools or equipment used in repair, construction, drilling, lawn maintenance, landscaping or demolition work in such a manner that the sound there creates a noise disturbance across a residential real property boundary, at any of the following times:
 - (a) Before **six o'clock (6:00) A.M.** and after **nine o'clock (9:00) P.M. CST** on any day of the week, or
 - (b) Before **eight o'clock (8:00) A.M.** and after **nine o'clock (9:00) P.M.** on Saturday and Sunday.

Village approved events, public service utilities and services contracted by the Village are exempt from this subsection. Further, no person shall be adjudicated guilty of this subsection if he demonstrates

the existence of a bona fide emergency that necessitated performance of the work during prohibited hours.

(Ord. No. 1502; 02-18-15)
(See Section 1-1-20 for General Penalty)

ARTICLE III - OFFENSES AGAINST PROPERTY

27-3-1 **PETTY THEFT.** A person commits a petty theft when the value of the property is under **Three Hundred Dollars (\$300.00)** and he knowingly:

(A) obtains or exerts unauthorized control over property of the owner; or
(B) obtains by deception, control over property of the owner; or
(C) obtains by threat, control over property of the owner; or
(D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

- (1) intends to deprive the owner permanently of the use or benefit of the property;
- (2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;
- (3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E) It shall be unlawful to commit a petty theft.
(720 ILCS 5/16-1)

27-3-2 **CRIMINAL DAMAGE TO PROPERTY.** Any of the following acts by a person shall be a violation of this Code.

(A) To knowingly damage any property of another without his consent; or
(B) recklessly, by means of fire or explosive, damage property of another; or
(C) knowingly start a fire on the land of another without his consent; or
(D) knowingly injure a domestic animal of another without his consent; or
(E) knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building. **(720 ILCS 5/21-1)**

27-3-3 **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. **(720 ILCS 5/21-1.1)**

27-3-4 **INJURY TO UTILITY WIRES AND POLES.** It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric lightpost, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

27-3-5 **DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED.** It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the Village.

27-3-6 **TAMPERING WITH PUBLIC NOTICE.** It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. **(720 ILCS 5/32-9)**

27-3-7 **ELECTRONIC DEVICES TO KILL INSECTS.** No person shall operate, between the hours of **12:01 A.M.** and **6:00 A.M.** of any day, on any property zoned for residential use,

any electrical device which emits an audible sound and is designed or used for the purpose of killing insects out-of-doors.

ARTICLE IV - PUBLIC HEALTH, SAFETY AND DECENCY

27-4-1 **DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE.** A person commits disorderly conduct when he knowingly:

(A) does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(B) transmits in any manner to the Fire Department of any Village, town, village or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(C) transmits in any manner to another a false alarm to the effect that a bomb or other explosive device of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive device is concealed in such a place; or

(D) transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(E) enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;

(F) while acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(G) transmits a false report to the Department of Children and Family Services.
(720 ILCS 5/26-1)

27-4-2 **RESISTING OR OBSTRUCTING A PEACE OFFICER.** A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(720 ILCS 5/31-1)**

27-4-3 **REFUSING TO AID AN OFFICER.** A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

(A) apprehending a person whom the officer is authorized to apprehend; or

(B) preventing the commission by another of any offense.

(720 ILCS 5/31-8)

27-4-4 **ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.**

(A) **Drive-in Business.** A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) **Declared Public Places.** For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

- (2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:
- (a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.
 - (b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.
 - (c) For three (3) or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.
 - (d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one (1) or more signs bearing the following legend in letters at least two inches (2") or more in height and readable:

**"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."
(65 ILCS 5/11-5-2)**

ARTICLE V - ANTI-LITTER

27-5-1 **DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

- (A) advertise for sale any merchandise, product, commodity or thing; or
- (B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

"PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the Village.

"VEHICLE" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 **LITTERING PROHIBITED.** No person shall deposit any litter within the Village except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 **PREVENTION OF SCATTERING.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 **RECEPTACLES - UPSETTING OR TAMPERING.** No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 **SIDEWALKS AND ALLEYS FREE FROM LITTER.** Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 **OWNER TO MAINTAIN PRIVATE PREMISES.**
(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.
(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 **LITTERING FROM VEHICLES.**
(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.
(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the Village unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8 **LITTERING FROM AIRCRAFT.** No person in an aircraft shall throw out, drop or deposit any litter within the Village.

27-5-9 **LITTER IN PARKS.** No person shall deposit litter in any park within the Village except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 **HANDBILLS.**
(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.
(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to

prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces.**

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

(65 ILCS 5/11-1-1 and 415 ILCS 105/1 et seq.)

ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1**, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

(65 ILCS 5/11-5-2)

ARTICLE VII - PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply:

"ACTS OF VANDALISM AND SIMILAR OFFENSES" shall include any of the following acts:

- (A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the Village, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership, or association; or
- (B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or
- (C) maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or
- (D) maliciously, recklessly or knowingly depositing on land or in the building of another person, without his consent, any stink bomb or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or
- (E) maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

"LEGAL GUARDIAN" shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the **Illinois Juvenile Court Act**.

"MINOR" shall include a person who is above the age of **eleven (11) years**, but not yet **eighteen (18) years** of age.

"PARENT" shall include the lawful father and mother of a minor child whether by birth or adoption.

"PROPERTY" shall include any real estate including improvements thereon and tangible personal property.

27-7-2 **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

- (A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and
- (B) Said parent or legal guardian shall have received a written notice thereof, either by certified mail, return receipt requested, or by personal service, with a certificate of personal service returned from the Village, following said adjudication or non-judicial sanctions; and
- (C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

(740 ILCS 115/1 et seq. and 740 ILCS 115/4)
(See also 740 ILCS 5/21-1.2 et seq.)

ARTICLE VIII – TRUANCY AND CURFEW CODE

27-8-1 **DEFINITIONS.** As used in this Article unless the context requires otherwise the following words and phrases shall mean:

"VILLAGE CURFEW HOURS" means the period of time specified in **Section 27-2-31** of the Chapter.

"COURT" means the 20th Judicial Circuit; St. Clair County, Illinois.

"CUSTODIAN" means:

- (A) a person who under court order is the custodian of the person of a minor or
- (B) a public or private agency with which the court has placed a minor or
- (C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

"EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"ESTABLISHMENT" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"GUARDIAN" means:

- (A) parent or
- (B) a person who under court order is the guardian of the person of a minor; or
- (C) a public or private agency with which the court has placed a minor.

"MINOR" means a person under **seventeen (17) years** of age.

"PARENT" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"PUBLIC PLACE" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"RESPONSIBLE ADULT" means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

"SERIOUS BODILY INJURY" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"TRUANCY CURFEW HOURS" means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

"TRUANT OFFICER" means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(105 ILCS 5/26-1 et seq.)**

"TRUANCY REVIEW BOARD" means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof

recognized by the Village and/or the court as an agency which provides service to improve education performance and/or attendance.

27-8-2 **CURFEW RESTRICTIONS.**

(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the Village during curfew hours.

(B) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the Village during curfew hours.

(C) It is a defense to prosecution under **Section 27-8-2(A) and (B)** or **Section**

27-8-4 (hereinafter) that the minor was:

- (1) accompanied by the minor's parent, guardian, custodian or responsible adult;
- (2) on an errand at the direction of the minor's parent, guardian, custodian or responsible adult; without any detour or stop;
- (3) in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;
- (4) engaged in, going to or returning home from an employment activity without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence;
- (7) engaged in, going to or returning home from official school, religious or other recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution; or
- (9) emancipated pursuant to law.

27-8-3 **TRUANCY RESTRICTIONS.**

(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the Village during truancy curfew hours.

(B) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the Village during truancy curfew hours.

(C) It is a defense to prosecution under this Section or **Section 27-8-4** that the minor was:

- (1) accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- (2) involved in an emergency;
- (3) going to or returning from a medical appointment without any detour or stop;
- (4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5) in possession of valid proof that the minor is a student who has permission to leave the school campus;
- (6) a bona fide participant in an alternative education or home schooling program;

- (7) engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

27-8-4 ESTABLISHMENT RESTRICTIONS. It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Sections 27-8-2 or 27-8-3** above during curfew or truancy hours.

It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Sections 27-8-2 or 27-8-3** notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

27-8-5 ENFORCEMENT RESTRICTIONS. Every member of the Police Department while on duty is hereby authorized as follows:

(A) For the first offense of any minor violating the provisions of this Code, to issue to the minor a citation, in writing, in the same form as described in paragraph (C) below. For a second offense, the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this Code (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph (E) herein is applicable. A parent, custodian or guardian must take custody of the minor within **one (1) hour** of the time of notice or be subject to a charge of **Twenty-Five Dollars (\$25.00)** per hour as hereinafter provided.

(B) Whenever a Police Officer or Truant Officer witnesses or has knowledge based on reasonable grounds of a violation of this Code by any person, such person may be issued a citation. A citation or complaint may be made to a Police Officer or Truant Officer by any person.

(C) A citation issued hereunder this shall be in writing and shall:

- (1) state the name of the person being cited and the person's address if known;
- (2) set forth the specific section of this Code that was violated, the date of the violation and a brief description of the violation;
- (3) be signed by the issuing Police Officer, Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Code a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(D) A minor cited for a citation under this Code must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Police Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-8-3** of this Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

27-8-6 PENALTY.

(A) Any person who violates any provision of this Article shall, upon conviction thereof, be fined as provided in **Section 1-1-20** of this Code. **(See also Section 1-1-20)**

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of court approved community service during times other than the minor's hours of school attendance and/or the minor's parent, custodian, guardian or other adult having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(C) In addition to any penalty imposed pursuant to (A) or (B) above, the minor's parents, custodian, guardian or other adult having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under **Section 27-8-7** hereinafter.

27-8-7 **CIVIL LIABILITY.** If a minor is detained for a period of time in excess of **one (1) hour** which requires the supervision of the minor by personnel of the Police Department, the parent, custodian, guardian or other adult having legal care or custody of the minor shall be jointly and severally liable for the costs therefore. The parent, custodian, guardian or other adult having legal care or custody of the minor who has committed any offense of this Code shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Code or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Code and subject the violator to the penalties described within **Section 27-8-6** above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the Village in collecting.

ARTICLE IX - OPEN BURNING

27-9-1 **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

"AGRICULTURAL WASTE" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

"GARBAGE OR HOUSEHOLD TRASH" means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

"LANDSCAPE WASTE" means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

"OPEN BURNING" means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-9-2 **BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

27-9-3 **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.** The open burning of landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

(E) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

(G) All open burning shall occur between **8:00 A.M.** and sunset; provided however, all fires shall be extinguished by sunset.

ARTICLE X – SKATEBOARDS AND TOY VEHICLES

27-10-1 **DEFINITIONS.** As used in this Article, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(A) **Business District.** The Village business district.

(B) **Skateboard.** A device with wheels for riding upon, usually standing, including, without limitations, skateboards of all types.

(C) **Toy Vehicles.** Coasters, scooters, roller skates, or any other non-motorized device with wheels or rollers upon which a person may ride. This definition does not apply, so long as they are used for the purposes for which they are intended, to wagons, wheelchairs and strollers or other devices designed and used for the purpose of transporting children, infants, physically challenged, or incapacitated persons, or to bicycles, or to carts or other devices intended and used for transporting merchandise or materials.

27-10-2 **SKATEBOARDING ON A STREET.** No person shall operate a skateboard or toy vehicle on a public street if there is a sidewalk adjacent to such street. If no sidewalk exists, skateboards may be ridden on the street providing street riding shall be done as far to the right side of the road as possible, and in the same direction as traffic.

27-10-3 **CLINGING TO A VEHICLE.** No person operating a skateboard, toy vehicle, or other non-motorized device shall attach himself or herself to any vehicle upon a roadway.

27-10-4 **YIELD RIGHT-OF-WAY.** Any person operating a skateboard or other toy vehicle must yield right of way to any pedestrian or motor vehicle.

27-10-5 **SKATEBOARDING ON PRIVATE PROPERTY.**

(A) No person shall operate a skateboard or toy vehicle on the premises of any business, residence, or other private property in violation of a sign complying with this Section.

(B) Areas in which skateboarding or operation of a toy vehicle is prohibited must be indicated by one or more signs which are positioned to provide notice and which contain the words "No Skateboarding" or any other word or combination of words indicating that skateboarding or operation of a toy vehicle is prohibited. Letters on the sign must be clearly legible.

27-10-6 **SKATEBOARDING ON PUBLIC PROPERTY.** No person shall operate a skateboard or toy vehicle in, upon, or on the grounds of any public property.

27-10-7 **SKATEBOARDING IN THE BUSINESS DISTRICT.** No person shall operate a skateboard or toy vehicle within the Village's business district.

27-10-8 **DAMAGING VILLAGE PROPERTY.** No person shall operate a skateboard or toy vehicle on or against any municipal-owned table, bench, structure, tennis court, parking stop, retaining wall, fountain, statue, or other improvement which may suffer damage by such use.

27-10-9 **SKATEBOARD RAMPS.** No person shall use or place a ramp, jump, or any other device used to force a skateboard or toy vehicle off the pavement on the grounds of the municipal-owned parking lot, park or sidewalk.

27-10-10 **AGREEMENT FOR IMPOUNDMENT.** In place of any other penalty provided by law, any person violating this Article may, for a first offense, agree to have the skateboard or play vehicle impounded by the Police Department for **one (1) week**.

ARTICLE XI – ADULT USES REGULATED

27-11-1 PURPOSE AND ADDITIONAL FINDINGS.

(A) **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the Village. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials.

(B) **Findings.** The Village Board finds:

- (1) Public places allowing nudity lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled.
- (2) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, live sex shows or public nudity.
- (3) Allowing public nudity creates unhealthy conditions.
- (4) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.
- (5) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses involving public nudity, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (6) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
- (7) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (9) Sanitary conditions in some adult oriented businesses and those places allowing public nudity are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities, including nudity, and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (10) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses allowing public nudity and where persons view "adult" oriented films.
- (11) The findings noted in paragraphs (1) through (10) raise substantial governmental concerns.
- (12) Public places allowing nudity have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (13) The general welfare, health, morals and safety of the citizens of the Village will be promoted by the enactment of this Article.

27-11-2 **DEFINITIONS.** As used in this Article:

(A) **"Adult Oriented Business"** means an establishment as defined in the Village Code.

(B) **"Entity"** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C) **"Nude"** means the showing of:

(1) Human male or female genitals or pubic area with less than a fully opaque covering; or

(2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing to covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or

(3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D) **"Person"** mean any live human being aged **ten (10) years** of age or older.

(E) **"Place Provided or Set Apart for Nudity"** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) **"Public Place"** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

27-11-3 **PROHIBITION.** It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

27-11-4 **LIMITATION.** This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

ARTICLE XII - OBSCENITY

27-12-1 **OBSCENITY.**

(A) **Elements of the Offense.** A person commits an obscenity when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (1) sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
- (2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) publishes, exhibits or otherwise makes available anything obscene; or
- (4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
- (5) creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
- (6) advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** Any material or performance is obscene if:

- (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies,

or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate. (See 65 ILCS Sec. 5/11-5-1)

27-12-2 HARMFUL MATERIAL.

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

(B) **Definitions.**

- (1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.
- (2) **"Material"** as used in this Code means any writing picture, record or other representation or embodiment.
- (3) **"Distribute"** means to transfer possession of material whether with or without consideration.
- (4) **"Knowingly"** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this Section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

(D) **Affirmative Defenses.**

- (1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.
- (2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.
- (3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:
 - (a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.

- (4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

"NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor."

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor. **(65 ILCS 5/11-5-1)**

27-12-3 TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS. Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. **(720 ILCS 5/11-22)**

ARTICLE XIII – SMOKE FREE AIR CODE

27-13-1 BACKGROUND. Smoking creates the hazard of injury to the personal health of those in the environment of such smoke as well as the potential of damage to property that may result from the incendiary nature of such activity. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68% of the total smoke produced by a cigarette) affects the health of the bystander, interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.

Because the hazards of smoking have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the Village, it is necessary and desirable to establish regulations that prohibit smoking in all enclosed public places, in all enclosed places of employment, near entrances to all such public places and places of employment, in and near open air public dining areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues.

27-13-2 PURPOSE. This Article may be cited as the "Smoke Free Air Code," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all enclosed public places and places of employment, within **twenty-five (25) feet** of all public entrances to such places, in open air public dining areas and within **twenty-five (25) feet** of such areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.

27-13-3 DEFINITIONS. For the purposes of this Article, the following terms shall have the following meanings:

"Business" means any sole proprietorship, partnership, joint venture, corporation, association or other business entity, whether formed for profit or nonprofit purposes. "Business" includes a "club" as defined in this Section.

"Club" means a private not-for-profit association, corporation or other entity consisting of persons who are bona fide paying members and which owns, leases or uses a building or portion thereof, the use of which is restricted primarily to members and their guests.

"Employee" means any person who is employed or retained by a business, and shall include the owner or operator of a sole proprietorship or other similar business entity.

"Employer" means any business that employs one or more employees.

"Enclosed Area" means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.

"Open Air Dining Area" means a seating area open to the air that is accessory to a restaurant, hotel, cafeteria, private club or other public place engage din purveying commercial food or beverage service where members of the public, members or guests are invited to sit and receive food and beverage service for a consideration.

"Outdoor Event" means a scheduled outdoor musical, dance, theatrical, dramatic, entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

"Outdoor Venue" means an outdoor theater, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.

"Place of Employment" means an area under the control of a public or private employer within the Village that employees normally frequent during the course of employment, and includes, without limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, staircases, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. "Place of Employment" also includes the home office portion of a private dwelling, but only if the home office is used by more than one employee or is frequented by business invitees.

"Place of Employment" does not include that part of a private dwelling used as a home office by a single employee only who resides in that dwelling.

"Park" means a public park or recreation area that is open to and used by the general public.

"Public Entrance" means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

"Public entrance" also means a doorway or other entrance for pedestrian ingress and egress to a place of employment; (i) that is open to and intended for use by the general public or business invitee's ingress and egress to the place of employment; (ii) where employees are required or permitted to enter or exit the place of employment.

"Public Place" means an area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

(A) vehicles of public conveyance;

(B) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;

(C) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of any building or structure that is accessible to the public including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, polling places, government and Village-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments.

(D) rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the Village where there is in progress any public meeting.

"Public place" shall not include:

(A) a private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or

(B) hotel or motel rooms designated as smoking, provided that no more than **twenty percent (20%)** of the available rooms for rent in any single building shall be designated as smoking rooms.

"School Grounds" mean all public or private outdoor school grounds, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

"Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

"Village" means the Village of Caseyville, Illinois.

27-13-4 PROHIBITION IN ENCLOSED PUBLIC PLACES.

(A) It is unlawful to smoke in any enclosed area of any public place.

(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, who is in control of a public place to knowingly permit smoking in any enclosed area in a public place.

27-13-5 **PROHIBITION IN UNENCLOSED PUBLIC PLACES AND OUTDOOR VENUES.**

- (A) It is unlawful to smoke in the following unenclosed public places:
- (1) The seating areas of all outdoor arenas, stadiums and amphitheaters.
 - (2) Public parks and recreation areas.
 - (3) School grounds.
 - (4) Public sidewalks within **fifteen (15) feet** of a public entrance, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
 - (5) Public sidewalks within **fifteen (15) feet** of an open air dining area, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
- (B) It is unlawful to smoke in or within **fifteen (15) feet** of an outdoor venue during the time that an outdoor event is taking place.

27-13-6 **PROHIBITION IN PLACES OF EMPLOYMENT.**

- (A) It is unlawful to smoke in any enclosed area of any place of employment.
- (B) It shall be unlawful for any employer to knowingly permit smoking in any enclosed area of any place of employment.

27-13-7 **PROHIBITION IN OPEN AIR DINING AREAS.**

- (A) It is unlawful to smoke in open air dining area.
- (B) It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of an open air dining area to knowingly permit smoking in the area available for open air dining.
- (C) it is unlawful to smoke within **fifteen (15) feet** of an open air dining area.

27-13-8 **PROHIBITION AT PUBLIC ENTRANCES.**

- (A) It is unlawful to smoke within **fifteen (15) feet** of a public entrance to a public place or to a place of employment.
- (B) It is unlawful for any person or persons to gather or congregate for the purpose of smoking within **fifteen (15) feet** of a public entrance.

27-13-9 **DESIGNATION OF OTHER NO-SMOKING AREAS.** Nothing in this Article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking by designating outdoor areas not subject to the restrictions in this Article as a place where smoking is also prohibited, provided that the owner, occupant or lessee shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the designated outdoor area.

27-13-10 **NO RETALIATION.** No person, business or employer shall discharge, refuse to hire, or in any manner retaliate against an employee or customer because that employee or customer reports a violation of this Article or exercises by rights afforded by this Article.

27-13-11 **SIGNS.**

- (A) Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous "No Smoking" signs in the enclosed area of any public place where smoking is prohibited. Such "No Smoking" signs shall have a white field with the words "No Smoking" printed in red letters, **four (4) inches** high with a **one-half (1/2) inch** face, or shall bear the international "No

Smoking" symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar across it. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this Article.

(B) Each owner, lessor, lessee, employer or other person in control of a public park or recreation area, or of a school ground, shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the park, recreation area or school ground.

(C) Each owner, lessor, lessee, management company or other person in control of an outdoor venue shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the outdoor venue during outdoor events.

27-13-12 EXEMPTIONS. The prohibition on smoking set forth in Section 6-35 and 6-37 shall not apply to a public place or place of employment of a tobacco dealer that permits customers to sample tobacco products on the premises of the tobacco dealer, provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a tobacco dealer is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products.

27-13-13 PENALTIES.

(A) Any person who smokes in an area where smoking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

- (1) A fine of not less than **Twenty-Five Dollars (\$25.00)** for a first violation.
- (2) A fine of not less than **Fifty Dollars (\$50.00)** for a second violation.
- (3) A fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Five Hundred Dollars (\$500.00)** for a third and subsequent violation(s).

(B) Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Article, shall be guilty of an offense punishable by a fine of (i) not less than **One Hundred Dollars (\$100.00)** for the first violation, (ii) not less than **Two Hundred Fifty Dollars (\$250.00)** for the second violations, and (iii) not less than **Five Hundred Dollars (\$500.00)** for each additional violation thereafter, unless said additional violation has occurred within **one (1) year** after the first violation, in which case the minimum fine shall be not less than **One Thousand Dollars (\$1,000.00)**. The maximum amount of fine to be levied herein shall not exceed **Two Thousand Five Hundred Dollars (\$2,500.00)** for each violation.

(C) Each day that any violation of this Article shall continue shall constitute a separate offense.

27-13-14 SEVERABILITY. If any provision or part of this Article or application thereof to any person or circumstance is held to be invalid, the remainder of the Article and the application of the provision or part thereof to other persons not similarly situated or to other circumstances shall not be affected thereby.

ARTICLE XIV - SYNTHETIC DRUGS

27-14-1 **SALE, POSSESSION OR DELIVERY OF SYNTHETIC COCAINE** **PROHIBITED.**

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cocaine, "Bath Salts" or Substances Containing Cocaine** includes but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Cloud Nine, Charge Plus, White lightning, Scarface, Hurricane, Charlie Red Dove and White Dove. It is an herbal and chemical product which mimics the effects of Cocaine, including but not limited to Methylenedioxypropylamphetamine, (a psychoactive drug), or cathinone derivatives.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cocaine or substance containing cocaine, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
 - (a) the nature or attendant circumstances of his/her conduct described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
 - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
 - (c) knowledge may be inferred from the surrounding circumstances.
- (4) **"Bath salts"** a substance that contains methylenedioxypropylamphetamine (MDPV) or contains a norepinephrine-dopamine reuptake inhibitor (NDRI).
- (5) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cocaine or a substance containing cocaine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cocaine or a substance containing cocaine or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cocaine as an incident to lawful research, teaching or chemical analysis and not for sale.
- (6) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (7) **Possession.** Possession may be either actual or constructive.
 - (a) actual possession means exercising physical dominion.
 - (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cocaine or substance containing cocaine or drug paraphernalia.

(B) **Possession of Synthetic Cocaine or Substance Containing Cocaine or "Bath Salts" Prohibited.**

- (1) **Violation.** No person shall possess any substance containing synthetic cocaine or a substance containing cocaine.
- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**.

- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this Section.

27-14-2 SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS PROHIBITED.

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cannabis** includes the brand names K2 and Spice. It is an herbal and chemical product which mimics the effects of Cannabis, including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
 - (a) the nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
 - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
 - (c) knowledge may be inferred from the surrounding circumstances.
- (4) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.
- (5) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (6) **Possession.** Possession may be either actual or constructive.
 - (a) actual possession means exercising physical dominion.
 - (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.
- (7) **Produce or Production.** Planting, cultivating, tending or harvesting.

(B) **Possession of Synthetic Cannabis Prohibited.**

- (1) **Violation.** No person shall possess any substance containing synthetic cannabis.

- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**.
- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to **720 ILCS 550/11**, as hereafter amended, shall be exempt from the provisions of this Section.

ARTICLE XV - REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS

27-15-1 **DEFINITIONS.** The following definitions apply to this Section:

(A) A **"Child Sex Offender"** includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, **730 ILCS 150/1 et seq.**, as now or as hereafter amended, where the victim was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

- (1) Sexual exploitation of a child (**720 ILCS 5/11-9.1**);
- (2) Predatory criminal sexual assault of a child (**720 ILCS 5/12-14.1**);
- (3) Indecent solicitation of a child (**720 ILCS 5/11-6**);
- (4) Public indecency committed on school property (**720 ILCS 5/11-9**);
- (5) Child luring (**720 ILCS 5/10-5(b)(10)**);
- (6) Aiding and abetting child abduction (**720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10)**);
- (7) Soliciting for a juvenile prostitute (**720 ILCS 5/11-15.1**);
- (8) Patronizing a juvenile prostitute (**720 ILCS 5/11-18.1**);
- (9) Exploitation of a child (**720 ILCS 5/11-19.2**);
- (10) Child pornography (**720 ILCS 5/11-20.1**);
- (11) Criminal sexual assault (**720 ILCS 5/12-13**);
- (12) Aggravated criminal sexual assault (**720 ILCS 5/12-14**);
- (13) Aggravated criminal sexual abuse (**720 ILCS 5/12-16**);
- (14) Kidnapping or aggravated kidnapping (**720 ILCS 5/10-1 or 5/10-2**);
- (15) Unlawful restraint or aggravated unlawful restraint (**720 ILCS 5/10-3 or 5/10-3.1**).

(B) **"School"** means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.

(C) **"Loiter"** shall mean standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of **eighteen (18) years**.

(D) **"Park"** includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "Park" shall also include any privately owned recreational area upon which the Village has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

27-15-2 **PROHIBITED ACTS.**

(A) It is unlawful for a child sex offender to reside within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(B) It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within **one thousand five hundred (1,500) feet** of any of the following, unless the person loitering is with a child under the age of

eighteen (18) years and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of **eighteen (18) years**;

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

(C) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to employ a sex offender within **one thousand five hundred (1,500) feet** of any festival or other event which is open to the public.

(D) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within **one thousand five hundred (1,500) feet** of any of the following:

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

27-15-3 **PENALTY.** Any person found guilty of violating paragraphs (A) or (B) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating paragraphs (C) or (D) of **Section 27-15-2** shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

27-15-4 **OTHER PROVISIONS.**

(A) In the event a court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) Nothing in this Article prohibits a child sex offender from residing within **one thousand five hundred (1,500) feet** of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

ARTICLE XVI – DRUG PARAPHERNALIA

27-16-1 DEFINITIONS.

(A) "Cannabis" shall have the meaning ascribed it in Section 3 of the "Illinois Cannabis Control Act" as if that definition were incorporated herein.

(B) "Controlled Substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substance Act" as if that definition were incorporated herein.

(C) "Drug Paraphernalia" shall mean all equipment, products and materials of any kind which are peculiar to and/or marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the "Cannabis Control Act" or the "Illinois Controlled Substances Act." It includes but is not limited to:

- (1) Kits peculiar to and/or marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;
- (3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
- (4) Diluents and adulterant peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
- (5) Objects peculiar to and/or marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
 - (a) water pipes;
 - (b) carburetion tubes and devices;
 - (c) smoking and carburetion masks;
 - (d) miniature cocaine spoons and cocaine vials;
 - (e) carburetor pipes;
 - (f) electric pipes;
 - (g) air-driven pipes;
 - (h) chillums;
 - (i) bongs;
 - (j) ice pipes or chillers;
- (6) Any item whose purpose, as announced or described by the seller is for use in violation of this act.

27-16-2 POSSESSION OF CANNABIS OR CONTROLLED SUBSTANCE. It shall be unlawful for any person to use, possess, distribute or deliver any cannabis or controlled substance as defined in this Article.

27-16-3 POSSESSION OF DRUG PARAPHERNALIA.

(A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a violation of this Article.

(B) In determining intent under paragraph (A) the trier of fact may take into consideration the proximity of the cannabis or a controlled substance on the drug paraphernalia.

27-16-4 **EXEMPTIONS.**

(A) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(B) Items marketed for, or historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting or inhaling of tobacco or any other lawful substance.

Items exempt under this Article include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes and cigarette-rolling papers.

(C) Items listed in **Section 27-16-1** of this Article which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Article.

In determining whether or not a particular item is exempt under this Section, the trier of fact should consider, in addition to all other logically relevant factors, the following:

- (1) The general, usual, customary, and historical use to which the item involved has been put;
- (2) Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- (3) Any written instruction accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
- (4) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
- (5) Any national or local advertising concerning the design, purpose or use of the item involved and the entire context in which such advertising occurs;
- (6) The manner, place and circumstances in which the items was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- (7) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community such as a licensed distributor or dealer of tobacco products;
- (8) The existence and scope of legitimate uses for the object in the community.

27-16-5 **PENALTY.** Any person or entity violating this Article shall be subject to a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)** plus court costs.

ARTICLE XVII – CONTAMINATION OF BUILDINGS

27-17-1 METHAMPHETAMINE CONTAMINATION OF BUILDINGS OR STRUCTURES ILLEGAL. It is unlawful to maintain or permit the existence of a building or other structure in the Village which has been used for the manufacture or storage of methamphetamine (meth) until the abatement and cleaning practices required by this Article have been complied with, and it is unlawful to occupy such building or structure or to permit the same to be occupied until said abatement has been fully completed and an occupancy permit for the same has been issued by the Village's building inspector.

27-17-2 METHAMPHETAMINE CONTAMINATION ABATEMENT. Whenever a building or other structure or definable portion thereof is determined to have been exposed to toxic chemicals from the manufacture and/or storage of methamphetamine (meth) by a law enforcement officer, a health inspector, a city building inspector or other public safety officer, the building or structure or definable portion thereof suspected to be contained shall be required to be vacated and to remain unoccupied until cleaned and the contamination abated in accordance with **Section 27-17-4** of this Article.

27-17-3 METHAMPHETAMINE ABATEMENT PROCEDURE. The owner(s) or other person or party having the occupancy or control of a building or other structure, or definable portion thereof, determined to be a dangerous building or structure due to meth contamination shall be required to have performed, by persons certified in Hazardous Material Awareness and Response, the following before an occupancy permit to allow the occupancy and use of the same will be issued by the Village's building inspector:

- (A) Contact the local law enforcement agency to ensure that a hazardous materials response team has removed all bulk chemicals and equipment used to make meth.
- (B) Ventilate the building or structure before, during and after cleanup.
- (C) Do not attempt to perform cleanup activities without using personal protective equipment including gloves, long sleeves, long pants, sturdy shoes, a dust mask and protective eyewear.
- (D) Remove and dispose of all upholstered furniture, mattresses, carpet, and other non-machine washable items. These materials should be double bagged when possible, and quickly disposed of in a landfill to prevent reuse.
- (E) Remove and dispose of clothing, toys, bedding, bottles, and other personal items used by infants and toddlers. Clothing and personal items for older children and adults may be machine washed **two (2) times** in hot water and detergent.
- (F) Inspect appliances, wall board, ceiling tiles, and plumbing fixtures throughout the entire building or structure. Remove and dispose of all visibly contaminated items, or any items that have an odor. Follow the disposal practices described above. If any plumbing fixtures or drains need to be flushed, removed or replaced, contact a professional.
- (G) Thoroughly clean all surfaces using a detergent and water solution. Be sure to wear proper personal protection – including gloves, long sleeves, long pants, sturdy shoes, a dust mask and protective eyewear. Be sure to change cleaning solution frequently. Rinse all surfaces with clean water after using the detergent solution. Repeat the cleaning and rinsing procedure **two (2)** additional times.
- (H) Repaint surfaces after cleaning. An oil-based primer followed by another coat of paint is recommended.
- (I) Replace all filters in the heating, ventilating and air conditioning (HVAC) system, including window units. For HVAC systems with sheet metal surfaces, each opening into the duct should be vacuumed and washed at least **two (2) feet** inside the duct. If this is not possible, contact a HVAC professional.
- (J) Ventilate the building for **three (3) to five (5) days** after cleaning.

(K) Contact a professional cleaning contractor if odors or stains remain or reappear after cleaning.

(L) Have the premises inspected and cultures taken for environmental testing by a State of Illinois licensed Hazardous Materials Team.

(M) Submit a report from a state licensed environmental laboratory to the Caseyville Village Board, the Caseyville building inspector showing the subject premises to have a minimum reportable limit of contamination of less than 0.1 ug/wipe before an occupancy permit can be obtained.

27-17-4 NOTICE TO ABATE TOXIC CONTAMINATION.

(A) **Abatement Notice.** Whenever a law enforcement officer, building inspector, health officer, fire chief or fire marshal, or other public safety officer has reasonable grounds to believe that a building or other structure or a definable portion thereof may be contaminated by toxic chemicals created by meth manufacture and/or storage, he or she shall file a written statement to that effect with the Village's chief of police and/or the Village's building inspector. The building inspector and/or the police chief or their designee shall thereupon cause written notice to be served upon the owner(s) of record of the building or structure and/or the person in charge of or in control of the same and any lien holder(s) of record, by registered mail or by personal service. The notice shall state that the toxic nuisance must be abated in accordance with the requirements of **Section 27-17-4** hereof and that the premises must be immediately vacated and an occupancy permit to be issued by the Village's building inspector shall not be issued and the occupancy thereof may not be restored until the contamination abatement has been completed to the satisfaction of the Village's police chief and/or the Village's building inspector or their designee.

(B) **Form of Abatement Notice.** Such notice may be in the following form:

TO: _____ (owner/occupancy/lien holders) of the premises known and described as (or having the assigned address of).

YOU ARE HEREBY NOTIFIED that (describe building or structure applicable thereto) on the premises above-mentioned has been condemned as a nuisance and a dangerous building or structure after inspection by _____. The cause for the decision is the manufacture and/or storage of methamphetamine causing the likely contamination of the same by toxic chemicals. You must immediately vacate the premises or cause the same to be vacated until the toxic nuisance is abated following the procedures required by Section 4 of Ordinance #1515 of the Village of Caseyville (a copy of which is attached hereto) and an occupancy permit has been issued by the Village's Building Inspector to allow the building or structure to be occupied and used for occupancy. You are to clean the subject building or structure and abate said nuisance as required by Section 4 Village of Caseyville Ordinance #1515 within **sixty (60) days** of the date of this Notice (unless you are granted an extension by the Village's Police Chief or Building Inspector or their designee) or the Village will seek a Court Order allowing the Village to abate the nuisance or demolish the building or structure, at the expense of the property owner.

(C) **Abatement by Village.** The Village may abate the methamphetamine contamination or demolish the building or structure upon the granting of a court order. If the person receiving the notice has not commenced to comply therewith within **fifteen (15) days** from the date of the service of the notice or has commenced compliance but is not making a reasonable effort to complete the same in the opinion of the Village's Board of Trustees (based upon advice received from the Village's police chief and/or building inspector), the Village may file suit in a court of competent jurisdiction seeking an order allowing the Village to abate the toxic nuisance or demolish the building or structure, at the expense of the property owner.

(D) **Village's Costs Recoverable from Property Owner.** The Village's cost of toxic nuisance abatement or demolition of a dangerous building or structure due to methamphetamine contamination shall be recoverable by a property lien and/or an action at law against the property owner to be filed within **one hundred eighty (180) days** after the remedial action.

(Ord. No. 1515; 10-21-15)

ARTICLE XVIII – CHILD SAFETY ZONES

27-18-1 **DEFINITIONS.** For the purposes of this Article only, the following terms, words and the derivations thereof shall have the meaning given herein.

(A) **"Child"** means any person under the age of **eighteen (18) years**.

(B) **"Child care institution"** means as ascribed in the Illinois Child Care Act as amended.

(C) **"Child safety zone"** means parks, playgrounds, schools, public libraries, amusement parks or facilities, public or commercial and semi-private swimming pools, day care facilities, child care institutions, public or private youth soccer, baseball or other sport fields, crisis centers or shelters, skate parks or rinks, public or private youth centers, scouting facilities, and offices for child protective services.

(D) **"Database"** means the Department of Public Safety's Sex Offender Database or the Sex Offender Registration files maintained by the Sex Offender Registration Officer of the Village's Police Department.

(E) **"Day care facility"** means as ascribed in the Illinois Child Care Act, as amended.

(F) **"Park"** or **"Playground"** means any land, including improvements to the land that is administered, operated or managed by a public or private entity for the use of the general public as a recreational area. Recreational areas including, but are not limited to, recreational center, water park, swimming pool, soccer field, baseball or other sports field.

(G) **"Permanent residence"** means a place where a person abides, lodges or resides for **fourteen (14)** or more consecutive days in any **three hundred sixty-five (365) day** period.

(J) **"Public way"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, shopping centers, parking lots, transportation facilities, restaurants, shops and similar areas that are open to the use of the public.

(I) **"School"** means a private or public pre-school, elementary school, secondary school, or high school.

(J) **"Sex offender"** means an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under **seventeen (17) years** of age for which the individual is required to register as a sex offender until the Illinois Sex Offender Registered Act, as amended (**730 ILCS 150/1 et seq.**)

(K) **"Temporary residence"** means:

(1) A place where a person abides, lodges or resides for a period of **fourteen (14)** or more days in the aggregate, during any **three hundred sixty-five (365) day** period and which is not the person's permanent address; or

(2) A place where a person routinely abides, lodges or resides for a period of **four (4)** or more consecutive or nonconsecutive days in any **thirty (30) day** period and which is not the person's permanent residence.

27-18-2 **SEX OFFENDER PROHIBITION.** It shall be unlawful for:

(A) Any building, structure, trailer, mobile home, or place to be used by a sex offender as a permanent residence or temporary residence within **one thousand five hundred (1,500) feet** of the real property comprising a child safety zone.

(B) For a sex offender to knowingly enter a child safety zone.

(C) For any person to lease, rent or allow the use of any place, structure, trailer, or mobile home, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Chapter, if such place, structure, trailer, or mobile home is located within a child safety zone.

(D) For a sex offender on each **October 30** and **31** (or any other date set by the Village for Halloween trick-or-treaters) between the hours of **4:00 P.M.** and **11:00 P.M.**, to leave an exterior porch light on or otherwise invite trick-or-treaters to solicit the premises.

27-18-3 **EXCEPTIONS AND AFFIRMATIVE DEFENSES.** It is an affirmative defense to the application of this Article if any of the following conditions apply:

(A) The property was both owned by the sex offender and the sex offender resided at said premises before the effective date of the ordinance from which this Article is derived, or the property is leased;

(B) The property was both rented by the sex offender and the sex offender resided at said premises before the effective date of the ordinance from which this Article is derived;

(C) The sex offender has established a permanent residence or temporary residence and residency has been consistently maintained and the person has complied with all of the sex offender registration laws of the State, prior to the date of the adoption of the ordinance;

(D) The site in the child safety zone, as specified herein, within **one thousand five hundred (1,500) feet** of the permanent or temporary residence of the sex offender was opened after the sex offender established the permanent or temporary residence and complied with all sex offender registration laws;

(E) The information on/in the database is incorrect, and if corrected, this Article would not apply to the person who was erroneously listed on/in the database;

(F) The sex offender was a minor when they committed the offense requiring database registration and was not convicted as an adult;

(G) The sex offender is required to register and is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution located within **one thousand five hundred (1,500) feet** of the real property comprising the child safety zone;

(H) The sex offender is under **eighteen (18) years** of age or a ward under a guardianship, who resides with a parent or guardian;

(I) The sex offender has been exempted by a court order from the database as a sex offender;

(J) The sex offender has had the offense for which the database registration was required, reversed on appeal or pardoned;

(K) The sex offender's duty to register on/in the database has expired; or

(L) Nothing in this Article shall require any person to sell or otherwise dispose of any real estate building, structure, trailer, mobile home, or place owned prior to the conviction of the person as a sex offender.

27-18-4 **EVIDENTIARY MATTERS.**

(A) If a sex offender that is prohibited from being in a child safety zone is found in a child safety zone by a police officer, the sex offender is subject to enforcement in accordance with this Article, as well as any other enforcement provisions of the Village Code.

(B) It shall be prima facie evidence that this Article applies to such a person if that person's record appears in/on the database and the database indicates that the victim was less than **eighteen (18) years** of age.

(C) The distance of **one thousand five hundred (1,500) feet** from a child safety zone shall be measured on a straight line from the closest property boundary line of the sex offender's residence to the closest property boundary line of the child safety zone.

(D) In the case of multiple residences on one property, measurement shall be from the nearest property boundary line of the residences to the nearest property boundary line of the child safety zone.

(E) In cases of a dispute over measured distances, it shall be incumbent upon the person challenging the measurement to prove otherwise.

(F) A map depicting the prohibited areas shall be created by the Village and maintained by the Police Department. The Village shall review the map annually for changes. Said map will be available to the public at the Police Department or available on the Village's website or Police Department website.

27-18-5 ENFORCEMENT.

(A) Enforcement of this Article shall be pursuant to any available and applicable provisions of the Village Code of Ordinances, and without any one remedy serving to exclude or waive any other remedy provided for in the Village's Zoning or Municipal Codes.

(B) **Offenders Must Register.** A registration fee of **One Hundred Dollars (\$100.00)** will be charged pursuant to this Article. If registrant does not have the resources, they still have to register, however, they must fill out and submit an exemption form to waive the fee.

27-18-6 PENALTY. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provision of this Article shall be fined no less than **Seven Hundred Fifty Dollars (\$750.00)** for each violation of this Article. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. 1717; 11-01-17)

PARKS AND COMMUNITY CENTER

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
<i>I</i>	VILLAGE PARKS RULES AND REGULATIONS	
	<i>Section 28-1-1 - Definition</i>	<i>28-1</i>
	<i>Section 28-1-2 - Purpose</i>	<i>28-1</i>
	<i>Section 28-1-3 - Public Use</i>	<i>28-1</i>
	<i>Section 28-1-4 - Hours of Use</i>	<i>28-1</i>
	<i>Section 28-1-5 - Pavilion Use</i>	<i>28-1</i>
	<i>Section 28-1-6 - Destruction or Misuse of Property</i>	<i>28-1</i>
	<i>Section 28-1-7 - Destruction or Misuse of Natural Resources</i>	<i>28-2</i>
	<i>Section 28-1-8 - Destruction or Misuse by Fire</i>	<i>28-2</i>
	<i>Section 28-1-9 - Glass Objects or Containers</i>	<i>28-3</i>
	<i>Section 28-1-10 - Regulation of Conduct and Behavior</i>	<i>28-3</i>
	<i>Section 28-1-11 - Bicycling</i>	<i>28-3</i>
	<i>Section 28-1-12 - Skate Park</i>	<i>28-3</i>
	<i>Section 28-1-13 - Park Lakes</i>	<i>28-4</i>
	<i>Section 28-1-14 - Winter Activities</i>	<i>28-4</i>
	<i>Section 28-1-15 - Field and Team Sports</i>	<i>28-4</i>
	<i>Section 28-1-16 - Golfing in Parks</i>	<i>28-4</i>
	<i>Section 28-1-17 - Sound or Energy Amplification</i>	<i>28-4</i>
	<i>Section 28-1-18 - Camping</i>	<i>28-5</i>
	<i>Section 28-1-19 - Yard Sales, Flea Markets or Tailgates</i>	<i>28-5</i>
	<i>Section 28-1-20 - Vending and Advertising</i>	<i>28-5</i>
	<i>Section 28-1-21 - Unlawful Obstructions</i>	<i>28-5</i>
	<i>Section 28-1-22 - Drug or Alcohol Use</i>	<i>28-5</i>
	<i>Section 28-1-23 - Weapons and Pyrotechnics</i>	<i>28-5</i>
	<i>Section 28-1-24 - Disorderly Conduct</i>	<i>28-6</i>
	<i>Section 28-1-25 - Public Indecency</i>	<i>28-6</i>
	<i>Section 28-1-26 - Obscene Books and Pamphlets</i>	<i>28-6</i>
	<i>Section 28-1-27 - Unlawful Presence of a Child Sex Offender</i>	<i>28-6</i>
	<i>Section 28-1-28 - Loitering</i>	<i>28-7</i>
	<i>Section 28-1-29 - Control and Presence of Animals</i>	<i>28-7</i>
	<i>Section 28-1-30 - Littering</i>	<i>28-7</i>
	<i>Section 28-1-31 - Vehicle Operation and Equipment</i>	<i>28-7</i>
	<i>Section 28-1-32 - Vehicles Types and Access Allowed</i>	<i>28-7</i>
	<i>Section 28-1-33 - Right-of-Way Yielded to Pedestrians</i>	<i>28-7</i>
	<i>Section 28-1-34 - Parking</i>	<i>28-8</i>
	<i>Section 28-1-35 - Speed Limit</i>	<i>28-8</i>
	<i>Section 28-1-36 - Signs</i>	<i>28-8</i>
	<i>Section 28-1-37 - Negligent or Careless Driving</i>	<i>28-8</i>
	<i>Section 28-1-38 - Remote Control Vehicles</i>	<i>28-8</i>
	<i>Section 28-1-39 - Federal, State and Local Laws</i>	<i>28-8</i>
	<i>Section 28-1-40 - Parental Responsibility</i>	<i>28-9</i>
	<i>Section 28-1-41 - Enforcement and Penalties</i>	<i>28-9</i>

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
II	COMMUNITY CENTER REGULATIONS	
	Section 28-2-1 - Purpose	28-10
	Section 28-2-2 - Qualified Groups and Individuals	28-10
	Section 28-2-3 - Reservations	28-10
	Section 28-2-4 - Maximum Capacity	28-10
	Section 28-2-5 - Non-Commercial Special Events	28-10
	Section 28-2-6 - Commercial Special Events	28-11
	Section 28-2-7 - Other Uses	28-11
	Section 28-2-8 - Hours	28-11
	Section 28-2-9 - Rental and Deposit Fees	28-11
	Section 28-2-10 - Set Up and Clean Up	28-12
	Section 28-2-11 - Reservation	28-12
	Section 28-2-12 - Parking	28-12
	Section 28-2-13 - Cancellation Policy	28-13
	Section 28-2-14 - Alcoholic Beverages	28-13
	Section 28-2-15 - Server Fees	28-13
	Section 28-2-16 - Soda Fees	28-13
	Section 28-2-17 - Hold Harmless	28-13
	Section 28-2-18 - Building Access	28-13
	Section 28-2-19 - General Conditions	28-13

CHAPTER 28

PARKS AND COMMUNITY CENTER

ARTICLE I – VILLAGE PARKS RULES AND REGULATIONS

28-1-1 **DEFINITION.** As used in this Article, the word “park” shall mean any real property owned, leased or controlled by the Village including, but not limited to, the following: walking trails; bicycle trails; playgrounds; ball fields; lakes; skate parks; swimming pools; recreation centers; and any other area or facility in the Village that is devoted to active or passive recreation.

28-1-2 **PURPOSE.** This Article is intended to establish rules and regulations in order to provide for the safe and peaceful use of Village parks and to provide for the operation, protection and preservation of the property, facilities and resources of the Village parks.

28-1-3 **PUBLIC USE.** The parks are for the use and enjoyment of the general public, subject to the rules, regulations and restrictions as set forth in this Article.

28-1-4 **HOURS OF USE.** Park hours are from sunrise to sunset. All persons, except employees of the Village whose duties require their presence, shall not remain in a park when a park is not open to the public without express permission from the Village or when in attendance at a Village sponsored event.

28-1-5 **PAVILION USE.** Only Village residents, businesses or organizations may make reservations to reserve a park pavilion. The individual making the reservation must go to Village Hall during normal business hours to fill out a request form. Park pavilions can be reserved for only **one (1) day**, and no reservations for park pavilions are accepted for consecutive days. All individuals reserving park pavilions shall pay a **Fifty Dollar (\$50.00)** deposit, and this deposit will be returned to the individual if there is no damage done to the park pavilion area upon inspection of the park pavilion area after its use. The individual, business or organization making the reservation will be held responsible for any damage to the pavilion and will remain liable for any damages that exceed the amount of the deposit. A rental fee of **Fifty Dollars (\$50.00)** shall be charged for peak time rentals. Peak time rentals are Friday (sunrise to sunset), Saturday (sunrise to sunset) and Sunday (sunrise to sunset). The deposit and rental fee shall be paid at the time of reservation. A separate check for the rental amount is required. Any returned deposits may be picked up at the Village Hall during normal business hours or a check can be returned by mail upon written request. Cash deposits cannot be mailed and must be picked up at the Village Hall in person, with proper identification. Any deposits unclaimed after **ninety (90) days** from the reservation date will be forfeited. **(Ord. No. 1106; 05-19-10)**

28-1-6 **DESTRUCTION OR MISUSE OF PROPERTY.** No person shall upon or in connection with any park property of the Village:

(A) Deface, destroy, paint, alter, cover, damage, move or remove any monument, stone, marker, benchmark, stake, post, boundary line, or reference point.

(B) Deface, destroy, paint, alter, cover, damage, move or remove any placard notice, or sign, or parts thereof, posted or exhibited by the Village to announce the rules, regulations, warnings, or any other information to the public necessary or desirable for the use of the park or park property.

(C) Deface, destroy, paint, alter, cover, damage, move or remove any building, pavilion, table, bench, fireplace, flagpole, playground equipment, or other real property or personal property located in a park owned, leased or controlled by the Village.

(D) Enter into or upon any park area or structure closed or posted against trespass, without express authorization from the Village.

(E) Bring into, leave behind or dump any waste or refuse material of any kind, unless such material is properly used while at the park and then properly deposited in the receptacles designed for such purposes thereafter. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. Any material of any kind shall not be left or deposited within or near the parks so as to pollute Village park property or otherwise interfere with proper use and enjoyment of the parks. Bottles, cans, refuse or foreign material of any description shall not be deposited or thrown onto any park property unless in the receptacles designed for such purposes.

28-1-7 DESTRUCTION OR MISUSE OF NATURAL RESOURCES. No person shall upon or in connection with any park property of the Village:

(A) Cut, remove, uproot, pick, saw, chop, carve, injure or wantonly destroy any tree, bush, shrub, flower or plant, whether alive or dead, or chip, trim or otherwise efface or injure any tree, shrub or bud, or break or remove any branch or foliage thereof or pick or gather any seed of any tree or other plant unless necessitated by the performance of restorative maintenance, or construction work pursuant to express authorization from the Village.

(B) Drive any nail, staple, or attach or fasten any wire, rope, or device to any tree or plant, or tie or hitch any animal to any tree, plant or bush without express authorization from the Village.

(C) Climb any tree, or walk, stand or sit upon any monument, marker, fountain, railing, fence or any other park property not designated or normally used for such purposes.

(D) Remove or cause to be removed any sod, earth, downed timber, rock, sand or gravel, or remove or cause to be removed any other natural material from Village park property without express authorization from the Village.

(E) Hunt, trap, wound, poison, kill, feed or attempt to hunt, trap, poison, kill or feed any animal, bird, or reptile, or disturb any nest lair, den or burrow of any animal, bird or reptile, without express authorization from the Village.

(F) Release or cause to be released any wild, or domestic animal, bird, fish or reptile, or distribute the seed or spores of any flowering or non-flowering plant into or upon park lands or waters, without express authorization from the Village.

(G) Use or cause to be used any chemical or biological pesticide or any other substance, measure or process designated to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations, without written permission from the Village and then only in compliance with all applicable laws and regulations of the State of Illinois.

28-1-8 DESTRUCTION OR MISUSE BY FIRE. No person shall upon or in connection with any park property of the Village:

(A) Set fire, or cause to be set on fire, any tree, brush, grassland, meadow, prairie, refuse container or structure unless pursuant to express authorization by the Village.

(B) Building a fire anywhere, for any purpose, except in provided grills, or in appropriate receptacles. Fires shall be limited to cooking fires or fires in a fire pit as authorized by the Village. Fuels used in fires shall not produce any noxious fumes or smoke.

(C) Build any fire whatsoever, for any purpose in or out of a receptacle or grill and leave it unattended, unless such fire is properly extinguished. For the purpose of this Article, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substance is cold to the human touch.

(D) Cause, suffer, or allow the burning of garbage, refuse, waste material, trash, or other combustibles within or adjacent to the parks so as to cause smoke, haze, odor, sparks, dust, dirt,

or other type of matter or gaseous substance to come upon, or pass over the park which would cause an air pollution nuisance or damage or injury to person or property.

28-1-9 **GLASS OBJECTS OR CONTAINERS.** No glass objects or containers are allowed in or on any park property.

28-1-10 **REGULATION OF CONDUCT AND BEHAVIOR.** The Village hereby adopts the Illinois Criminal Code Chapters 705 and 720, Illinois Criminal Law and Procedures, as amended from time to time, as the rules governing criminal offenses on Village property, except where Village ordinances specifically establish different rules. Enforcement shall be authorized by any law enforcement officer or authorized agent of the Village.

28-1-11 **BICYCLING.** No person shall upon or in connection with any park property of the Village:

(A) Ride a bicycle except on the right-hand side of the road paving and only as close to the road as is absolutely necessary. Bicycles shall be kept in a single file when **two (2)** or more are operating as a group, and bicyclists shall at all times operate their bicycles with reasonable regard for the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicle they may be meeting.

(B) Ride with any other person on a bicycle, except for a tandem bicycle which has seats for more than **one (1)** person.

(C) Leave unattended a bicycle, except in a bicycle rack when such is provided, the bicycle is locked and there is space available on said bicycle rack.

(D) Ride a bicycle on any walking path or walking trail.

(E) Ride a bicycle on any roadway or other area designated and posted as prohibiting bicycles.

(F) Fail to yield the right of way to pedestrians.

(G) Operate a bicycle in a reckless manner so as to endanger pedestrians or other bicyclists.

28-1-12 **SKATE PARK.** The use of the skate park owned, leased or controlled by the Village is at the risk of the user. The user of the skate park assumes all risks inherent in the use of the skate park and acknowledges that such use may result in serious injury. The skate park is unsupervised and the Village is not responsible for any injuries that may occur during the use of the skate park. The rules and regulations of the skate park will not necessarily remove the risk of serious injury, but are implemented to help lessen the risk or severity of injury and ensure a positive skating experience. The following rules and regulations apply to the Village skate park:

(A) Skateboarding, roller skating or in-line skating is prohibited on any park property other than the skate park.

(B) All skaters are strongly urged to wear protective equipment including, but not limited to: helmets, elbow pads, knee pads and wrist pads.

(C) All parents are strongly urged to provide protective equipment for children to skate and to make certain that child skaters wear such protective equipment.

(D) There is no supervision provided at the skate park.

(E) Glass objects and containers are not allowed in the skate park.

(F) Food and beverages are not allowed in the skate park.

(G) Alcohol, drugs and tobacco products are not allowed in the skate park.

(H) Profanity is not allowed in the skate park.

(I) Bicycles and scooters are not allowed in the skate park.

(J) No animals of any kind are allowed in the skate park.

(K) Skaters are not allowed to bring any additional objects onto the skating surface.

- (L) No personally owned ramps, boxes or other devices may be brought into the skate park.
- (M) Persons not skating are prohibited from the skating surface.
- (N) Trash, refuse and debris should not be taken into the skate park but rather should be placed in the trash receptacles provided.
- (O) The skate park is open from sunrise to sunset, weather permitting.
- (P) Skating is not allowed when weather conditions such as rain, dew, snow or ice are present on the skating surface.
- (Q) Skaters are responsible for inspecting the skating surface prior to use to ensure that it is safe for skating. Maintenance concerns should be immediately reported to Village employees at the Village Hall located at 909 South Main Street (phone number: 344-1234).
- (R) Skaters are to be courteous and horseplay is prohibited in the skate park.
- (S) The Village reserves the right to restrict entry to the skate park or to ask persons to leave the skate park if rules and regulations are not followed or if unsafe behavior is observed.
- (T) The Village reserves the right to close the skate park under any circumstances in its sole discretion.

28-1-13 **PARK LAKES.** The following rules and regulations apply to any lake that is owned, leased or controlled by the Village:

- (A) No bathing, swimming or wading is permitted in any park lake.
- (B) Pole and line fishing only.
- (C) Fish limit per day is **two (2) catfish** and **two (2) bass**, all being at least **fifteen (15) inches** in length or as may be otherwise posted.
- (D) No person shall throw, discharge, place, or cause to be placed, any liquid or solid substance, matter, or thing which will or may result in pollution of any lake.
- (E) Throw, carry, cast, drag, push or deposit any polluting item into a lake or upon the frozen waters thereof, in such a way as to render it unavailable to the general public for its intended use, to cause a hazard to public safety or to damage or destroy such lake.
- (F) Bottles, cans, refuse or foreign material of any description shall not be deposited or thrown in any lakes located in the parks.
- (G) No person shall enter on or upon any frozen water to skate, fish, slide, sled or walk or for any purpose whatsoever.
- (H) No boats, kayaks, canoes, rafts, inflatable items or other floating items shall be used in or on any lakes located in the parks. **(Ord. No. 1113; 10-20-10)**

28-1-14 **WINTER ACTIVITIES.** No person shall sled, toboggan, ski, slide or ice skate on any park property.

28-1-15 **FIELD AND TEAM SPORTS.** No person shall upon or in connection with any park property of the Village play or engage in any team sport or game including, but not limited to, baseball, football, soccer, field hockey, volleyball, lacrosse or horseshoes, except in those areas designated by the Village as athletic fields, or in such a manner as to interfere with other persons lawfully using the park.

28-1-16 **GOLFING IN PARKS.** No person shall upon or in connection with any park property of the Village swing or make use of any golf club or play golf, or hit or putt golf balls.

28-1-17 **SOUND OR ENERGY AMPLIFICATION.** No person shall upon or in connection with any park property of the Village play or operate any sound or energy amplification

devices or operate any other sound or energy amplification device in such a manner that the sound emanating therefrom can be heard at a distance of **fifty (50) feet** from the device during its use or operation.

28-1-18 **CAMPING.** No person shall upon or in connection with any park property of the Village take part in any camping or sleeping overnight in a park.

28-1-19 **YARD SALES, FLEA MARKETS OR TAILGATES.** No yard sales, flea markets or tailgate activities are allowed on any park property at any time.

28-1-20 **VENDING AND ADVERTISING.** No person shall upon or in connection with any park property of the Village:

(A) Expose or offer for sale or hire any articles or things, or conduct or solicit any business, trade or occupation or profession without the approval of the Village or its authorized agent, and then only in accordance with the terms and conditions thereof, it being the intention of the Village to control commercial enterprises or sales on its property. The advertising or promotion of any business, production, service or profit making event is not allowed in any park of the Village, except when specifically authorized by the Village Board of Trustees.

(B) Display, distribute, post or fix any placard, sign, handbill, pamphlet, circular, or any other writing or printed material or objects containing advertising matter or announcements of any kind or character whatsoever without permission from the Village Board of Trustees except that any groups reserving a park pavilion may display signs to identify their location or direct others to it, provided that such signs are placed for a time period not to exceed **one (1) day** and are then removed at the termination of the activity held at the park pavilion.

(C) Beg or solicit contributions or donations in any manner in any park unless authorized by the Village.

28-1-21 **UNLAWFUL OBSTRUCTIONS.** No person shall upon or in connection with any park property of the Village:

(A) Set, place or cause to be set or placed any goods, wares, or merchandise or any stand, cart or vehicle for the transportation or vending of any such goods, wares, or merchandise or any other article upon any property of the Village which obstructs the use of any park.

(B) By force, threat, intimidation or by any unlawful fencing or enclosing or any other means, prevent or obstruct or combine with others to prevent or obstruct any person from peacefully entering upon any property of the Village, excepting that nothing in this Section shall be construed to deny lawful enforcement of valid reservation granting a certain person or persons use to the exclusion of others of a park pavilion as defined and provided for in this Article.

28-1-22 **DRUG OR ALCOHOL USE.** No person shall upon or in connection with any park property of the Village possess, give away, sell, serve, dispense or drink any alcoholic beverage, or possess, sell, deliver, smoke, inhale, inject, eat, chew, swallow, or otherwise ingest in any manner whatsoever any beer, wine, other alcoholic beverage, narcotic drug, or controlled substance; provided however, that the possession and consumption of alcoholic beverages by any person of the age of **twenty-one (21) years** or greater may be authorized by Village permit.

28-1-23 **WEAPONS AND PYROTECHNICS.** No person shall upon or in connection with any park property of the Village:

(A) At any time have in their possession or on their person, any firearm, knife, pistol, revolver, rifle, shotgun, ammunition, bow and arrow, crossbow, slingshot, blackjack, billy club, explosive, chemical agent, any device capable of discharging a projectile by air, or weapon of any kind or character

whatsoever. Nothing contained herein shall be construed to prevent any duly sworn police officer from carrying such weapons as may be authorized and necessary in the discharge of their duties.

(B) Bring onto park property any trapping device, any incendiary bomb or material, any smoke or stink bomb, any acid or caustic substance, or any flammable liquid, except for fuel contained in a tank that is used for usual and ordinary purposes that is not a danger to the general public.

(C) Discharge any of the weapons or instruments, listed in this Section above, into or over any park from outside a park.

(D) Possess, set off, attempt to set off or ignite any firecrackers, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics except as may be allowed, with Village approval, at a Village sponsored event.

28-1-24 DISORDERLY CONDUCT. No person shall upon or in connection with any park property of the Village engage in conduct that is disorderly. A person shall be deemed to have engaged in disorderly conduct when the person knowingly:

(A) Does any act in such unreasonable manner as to provoke, make or aid in making a breach of the peace.

(B) Does or undertakes an unreasonable offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger to the general public or is an imminent threat of violence to another.

(C) Refuses or fails to cease and desist any conduct or activity likely to produce a breach of peace or where there is imminent threat of violence to another and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity and have requested that the threatening conduct and activity be stopped.

(D) Fails to obey a lawful order of dispersal by a person known by him to be a police officer.

(E) Assembles persons for the purpose of using force or violence to make a breach of the peace and disturb another.

(F) Contributes to the delinquency of a minor while within a park area.

(G) Willfully or unreasonably hinder, interrupt or interfere with any activity in a reserved pavilion, or unreasonably or willfully intrude upon any activity in a reserved pavilion.

(H) Prevent or interfere with any other person or group who is using, or attempting to use, any park or park facility.

28-1-25 PUBLIC INDECENCY. No person shall upon or in connection with any park property of the Village engage in conduct that is publicly indecent, and a person shall be deemed to have committed an act of public indecency when any person performs any of the following acts:

(A) An act of sexual intercourse.

(B) An act of deviant sexual conduct.

(C) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

(D) A lewd fondling or caress of self or the body of another person of either sex.

28-1-26 OBSCENE BOOKS AND PAMPHLETS. No person shall upon or in connection with any park property of the Village knowingly exhibit, sell, give away, or offer to sell or give away any obscene book, pamphlet, paper, drawing, movie film, picture, photograph, or any other article of any kind that is of an obscene nature.

28-1-27 UNLAWFUL PRESENCE OF A CHILD SEX OFFENDER. The Village hereby adopts Section 11-9.4 of the Illinois Criminal Code entitled "Approaching, contacting, residing, or

communicating with a child within certain places by child sex offenders prohibited” as though fully set out at length herein.

28-1-28 **LOITERING.** No person shall loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a park area in such a manner to:

- (A) Obstruct or hinder the use of a park or facility by another.
- (B) Obstruct or interfere in the carrying out of duties of a Village employee or Village, County or State employee performing duties in the park.
- (C) Lurk, lie in wait, or be concealed in any place with intent to do mischief or commit any crime or other illegal act.

28-1-29 **CONTROL AND PRESENCE OF ANIMALS.** No person shall upon or in connection with any park property of the Village:

- (A) Bring, lead or allow any horses on park property.
- (B) Bring, lead or allow any dog or other domestic animal that is unleashed or on a leash longer than **six (6) feet** onto any park property.
- (C) Bring, lead or allow any dog or other domestic animal on a walking trail or bicycle trail.
- (D) Fail or refuse to cleanup and properly dispose of defecation left by a dog or other domestic animal under the control or ownership of such person.

28-1-30 **LITTERING.** No person shall throw, place, deposit, or cause to be thrown, placed or deposited litter or other offensive substances in or upon any park or park facility, except in the receptacles provided thereof.

28-1-31 **VEHICLE OPERATION AND EQUIPMENT.** The Village hereby adopts the Illinois Vehicle Code, 625 ILCS 5/1-100, et seq., as from time to time amended, as the rules governing the operating, licensing and registering of motor vehicles, and the licensing of operators of motor vehicles on Village park property, except where Village ordinances specifically establish different rules. Enforcement shall be authorized by any law enforcement officer or authorized agent of the Village.

28-1-32 **VEHICLES TYPES AND ACCESS ALLOWED.** No person shall in connection with any park property of the Village:

- (A) Operate, or cause to be operated, any vehicle of any kind anywhere except on designated roads, drives, and parking areas. Nothing contained herein shall be construed to prevent police or emergency vehicles from free access to all areas of park property in the execution of their duties.
- (B) Operate a vehicle of any kind in such a way that traffic is obstructed.
- (C) Operate, or cause to be operated, any vehicle of any kind that is not licensed or permitted to be operated on the roads, streets and highways of the State of Illinois, such vehicles include, but are not limited to, the following: snowmobiles; dune buggies, go-carts; trail bikes; mini-bikes; and any such other unlicensed all-terrain, off-the-road vehicles.
- (D) Operate, or cause to be operated, a vehicle on any road, drive or parking area that has been gated or barricaded and closed to public traffic.

28-1-33 **RIGHT-OF-WAY YIELDED TO PEDESTRIANS.** No person shall in connection with any park property of the Village operate a motor vehicles in such a manner as to fail to yield the right-of-way to pedestrians.

- 28-1-34** **PARKING.** No person shall in connection with any park property of the Village:
- (A) Park a vehicle on any park property other than in areas designated for parking that type of vehicle, unless there is an emergency or unless directed to do otherwise by a law enforcement officer.
 - (B) Leave a vehicle parked on park property after park closing hours without obtaining permission from the Village or being present at a Village sponsored event.
 - (C) Park a vehicle in such a way as to block another parked vehicle from being to able to exit the Village park.
 - (D) Park a vehicle in such a way as to block, restrict or impede the normal flow of traffic.
 - (E) Permit a motor vehicle to remain unattended on park property without first stopping the engine, locking the ignition, and removing the keys so as to inhibit the movement of said motor vehicle by others.
 - (F) Park any vehicle in any parking place designated as reserved for handicapped persons, unless proper registration plates, decals or devices are exhibited indicating that the vehicle is operated by or for a handicapped person.
 - (G) Leave any vehicle in the park more than **twenty-four (24) hours** due to a mechanical failure.
 - (H) Change oil, grease, wash or polish any vehicle except such emergency repairs that may be necessary to remove such vehicle from the Village park.
 - (I) Any vehicle in violation of this Section is subject to removal at owner's or operator's expense.

28-1-35 **SPEED LIMIT.** No person shall in connection with any park property of the Village operate a vehicle of any kind on any road, drive, or parking area at a speed in excess of **ten (10) miles per hour**, but in no event shall a vehicle be operated at a speed that is greater than reasonable and proper with regard to pedestrians present or traffic conditions at that time. Nothing contained herein shall be construed to prevent police or emergency vehicles from execution of their duties via any means necessary.

28-1-36 **SIGNS.** No person shall in connection with any park property of the Village operate a vehicle of any kind in disregard of any sign, signal, marking or device erected, constructed or created by the Village, or any public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic, or contrary to the order of direction of any police officer or other person duly authorized to direct or regulate traffic.

28-1-37 **NEGLIGENT OR CARELESS DRIVING.** No person shall in connection with any park property of the Village operate any vehicle of any kind in the park in a negligent, reckless or wanton manner, or carelessly so as to endanger life or property.

28-1-38 **REMOTE CONTROL VEHICLES.** No person shall upon or in connection with any park property operate any remote control airplane, boat, car or other type of remote control/model vehicle.

28-1-39 **FEDERAL, STATE AND LOCAL LAWS.** All persons within the parks of the Village are subject to all ordinances, rules and regulations of the Village, as well as all applicable laws of St. Clair County, the State of Illinois and the United States, as amended and changed from time to time.

28-1-40 **PARENTAL RESPONSIBILITY.** The Village hereby adopts the Illinois Parental Responsibility Law, 740 ILCS 115/1 et seq., as amended from time to time, except where Village ordinances specifically establish different rules regarding parental responsibility. The parent or legal guardian of an unemancipated minor who is residing with such parent or legal guardian at the time of any violation of this Article shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and the parent or legal guardian shall then also be liable for any fine or condition of restitution or reparation imposed for the violation of this Article by the minor.

28-1-41 **ENFORCEMENT AND PENALTIES.**

(A) Any person, entity or corporation violating any provision of this Article shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(B) Any person, entity or corporation aiding in or abetting the violation of any provision of this Article, or counterfeiting or forging any license or permit, or making any misrepresentation in regard to any matter prescribed by this Article, or resisting, obstructing, or impeding the Village in enforcing this Article, shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, except where otherwise provided in this Article.

(C) A separate offense shall be deemed committed on each day during or on which any violation occurs or continues.

(D) Any person, entity or corporation violating any provision of this Article shall make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss that result from the violation of any provision of this Article.

(E) The Village may commence any appropriate action at law or in equity to enforce the provisions of this Article and to protect against any violation thereof. A showing of inadequate remedy at law or irreparable harm shall not be needed to obtain an injunction or restraining order. Any equitable remedies shall be in addition to the penalties set forth elsewhere in this Section.

(Ord. No. 1057; 04-02-08)

ARTICLE II – COMMUNITY CENTER REGULATIONS

28-2-1 **PURPOSE.** The Caseyville Community Center is operated by the Village. These rules and regulations are intended to ensure that the facility will be used for the enjoyment and recreation of Village residents in a family atmosphere.

28-2-2 **QUALIFIED GROUPS AND INDIVIDUALS.** The Community Center may be reserved for use by the following, subject to the terms of these rules and regulations. Peak hour rentals are limited to **two (2)** such peak hour rentals for each Village address per calendar year. Any renter may be requested to show proof of a valid address within the corporate limits of the Village.

(A) Individual residents of the Village who are **twenty-one (21) years** of age or older for family events. All individuals must provide picture identification to show proof of residency.

(B) Non-profit, civic, fraternal, charitable organizations, churches and church organizations located within Village limits. An individual resident may not make a reservation for a non-profit, civic, fraternal, charitable organization, church or other organization not located within the Village limits.

(C) Village Board approved functions and Tourism related events.

(D) Those businesses located within the Village that are holders of a valid Village Business License.

(E) Village officials, officers and employees.

(F) Any member of a fire department that serves property located within the boundaries of the Village.

28-2-3 **RESERVATIONS.** All reservations shall be made on a first come, first served basis. Block reservations shall be accepted for non-peak hours. A block reservation is defined as multiple dates (i.e., every Sunday of the year or the first Wednesday of the month, etc.). Reservations shall be made **ten (10) days** prior to the event. Any reservation on a peak hour block that is less than 21 days away from date renter calls may be rented for a non-peak hour price.

28-2-4 **MAXIMUM CAPACITY.** The maximum capacity of the Community Center has been determined to be **four hundred (400) people**. Failure to comply with the maximum capacity shall result in the closure of the event by the Fire Department and loss of all fees and deposits.

28-2-5 **NON-COMMERCIAL SPECIAL EVENTS.** Non-profit, civic, fraternal, charitable organizations, churches and church-based organizations that are located within the Village limits shall be allowed the use of the Community Center **three (3) times** per year for non-commercial special events, with a rental fee of **One Hundred Dollars (\$100.00)**. The special event will be considered commercial (and will not qualify herein) if there are any of the following circumstances:

(A) individuals or other entities are required to pay an admission fee, charge or gratuity for the special event;

(B) the special event involves the selling of a good or service for a fee, charge or gratuity;

(C) individuals or other entities are invited to participate or sell a good or service at the special event for a fee, charge or gratuity; or

(D) the special event is held for any political activity.

Each application for use of the Community Center for a non-commercial special event will be reviewed and assessed individually by the Village Board of Trustees. A security deposit, along with other charges will still be required. Only the rental fee is lowered for a non-commercial special event and the rental fee may be waived by the Village Board in their discretion.

28-2-6 **COMMERCIAL SPECIAL EVENTS.** Non-profit, civic, fraternal, charitable organizations, churches and church organizations located within the Village limits may be allowed the use of the Community Center for commercial special events **three (3) times** per year if the entity is operated by volunteers or **one (1) time** per year if the entity is operated, managed or worked for by any compensated individual. The normal rental fee and deposit charges must be paid for commercial special events. The special event will be considered commercial under any of the following circumstances:

(A) individuals or other entities are required to pay an admission fee, charge or gratuity for the special event;

(B) the special event involves the selling of a good or service for a fee, charge or gratuity;

(C) individuals or other entities are invited to participate or sell a good or service at the special event for a fee, charge or gratuity; or

(D) the special event is held for any political activity.

Each application for use of the Community Center for a commercial special event will be reviewed and assessed individually by the Village Board of Trustees and the approval of the rental will be at the discretion of the Board. **NO DISCOUNTED RATE WILL BE GIVEN FOR SATURDAY RENTALS.**

28-2-7 **OTHER USES.** Upon the death of a Village resident the family may reserve the Community Center to hold an after funeral gathering between the hours of **8:30 A.M.** and **4:00 P.M.** on a weekday (Monday through Friday) at no charge if the Center has not been previously reserved. A reservation must be made with the Community Center Manager **twenty-four (24) hours** in advance. Subject to availability, the Community Center may be used by the family of a deceased Village resident after **4:00 P.M.** on weekday or on a weekend for a fee of **Fifty Dollars (\$50.00)**. The family will be responsible for all clean up and trash removal and would still be subject to any additional soda fees. Server and clean up services are also available.

28-2-8 **HOURS.** The Community Center may be reserved in blocks from **8:30 a.m.** through **12:30 a.m.** for Fridays and Saturdays. All events are to be concluded by the **12:30 a.m.** closing time. The Center must be empty by **1:00 a.m.** Sunday through Thursday may be reserved in clocks from **8:30 a.m.** through **11:00 p.m.** The Center must be empty by **11:30 p.m.**

(A) Peak hour blocks are defined as **6:00 p.m.** through **12:30 a.m.** starting on Friday and **8:30 a.m.** through **12:30 a.m.** starting on Saturday.

(B) Non-peak hour blocks are defined as **three and one-half (3 ½) hours** and **six and one-half (6 ½) hours** daily excepting for the peak hours on Friday and Saturday.

28-2-9 **RENTAL AND DEPOSIT FEES.**

(A) **Resident Rental Fees and Deposits.**

(1) Peak hour blocks (**6 ½ hours**): **\$600.00** rental, **\$250.00** deposit.

(2) Non-peak hour blocks (**6 ½ hours**): **\$275.00** rental, **\$250.00** deposit.

(3) Non-peak hour blocks (**3 ½ hours**): **\$100.00** rental, **\$250.00** deposit.

(4) Non-commercial special event rental fee of **\$100.00** with a **\$250.00** deposit.

(5) Charitable or Tourism related event fees and deposit shall be determined on an individual basis. The rate may not be less than \$450.00 and no discounted rates are available on Saturdays.

(Ord. No. 1720; 12-20-17)

(B) **Non-Resident Rental Fees and Deposits.**

(1) Peak hour blocks (**6 ½ hours**): **\$725.00** rental, **\$250.00** deposit.

(2) Non-peak hour blocks (**6 ½ hours**): **\$350.00** rental, **\$250.00** deposit.

(3) Non-peak hour blocks (**3 ½ hours**): **\$150.00** rental, **\$250.00** deposit.

(Ord. No. 1716; 08-02-17)

(C) Charitable or Tourism related event fees and deposit shall be determined on an individual basis. The Village reserves the right to deny a reduction of the rental and deposit fees for any event, including but not limited to an event held for a commercial purpose. An event will be considered commercial

under any of the following circumstances: (1) individuals or other entities are required to pay an admission fee, charge or gratuity for the event; (2) the event involves the selling of a good or service for a fee, charge or gratuity; (3) individuals or other entities are invited to participate or sell a good or service at the event for a fee, charge or gratuity; or (4) the event is held for any political activity.

Any request for a reduction in rental and deposit fees must include full disclosure of the charitable nature of the applicant or charitable organization, the financial information for the event and the employee/volunteer status of the applicant or charitable organization. Each application for use of the Community Center for a charitable or tourism related event will be reviewed and assessed individually by the Village Board and the approval of the rental will be at the discretion of the Board.

All reservations require a rental fee and security deposit. The deposit shall be paid at the time of reservation and the rental fee shall be paid in full **sixty (60) days** before the event. Deposits will be returned following approval of the Community Center Manager and may be picked up at the Caseyville Village Hall during normal business hours of **8:30 a.m. – 4:30 p.m.** Monday through Friday or a check can be mailed upon written request. Any deposits unclaimed after **ninety (90) days** from the reservation date will be forfeited.

The deposit may be retained by the Village due to any damages that occur due to the rental. Further, the individual, business or organization reserving the Community Center will remain liable for any damages that exceed the amount of the deposit. The deposit may be retained by the Village due to any person or persons who while under the legal drinking age, consume or possess alcohol. The deposit may be subject to forfeiture, in whole or in part, due to any violations of the laws of the Village, the State of Illinois, or the United States, by any person or persons using the Caseyville Community Center.

28-2-10 SET UP AND CLEAN UP. All set up of chairs and tables will be done by the Village of Caseyville for any **\$600/\$725** and **\$275/\$350** rentals. Table placement and room organization will be determined by the applicant and the Community Center Manager prior to the date of the event. At the close of the event the tables must be cleared and all trash shall be placed in containers provided. The same applies to the serving area. The remaining clean-up will be provided by the Village and is included in the rental fee. For a **three and one-half (3 ½) hour** block the renter will be responsible for all table and chair setup, clean up and trash removal. Clean up services are also available for an additional **One Hundred Fifty Dollar (\$150.00)** fee.

Property must be protected from damage and mistreatment. Ordinary precautions for cleanliness must be maintained. Groups shall be responsible for leaving the facility in the condition it was found. In cases where property has been littered, damaged or abused beyond normal use and wear, the Village shall be paid for damages by the organization(s) and person(s) involved and such organization(s) or person(s) may be banned from future rentals.

28-2-11 RESERVATION. Reservations for the Community Center facilities are to be made with the Community Center Manager on a first-come first-served basis. Reservations must be made a minimum of **ten (10) days** prior to the event. Reservations with less than **ten (10) days** will be made at the discretion of the Community Center Manager. Dates can be checked over the phone, however dates will not be reserved until the application and the deposit is received in the office. The Community Center Manager can accept reservations on an on-going basis with approval from the Village Board.

The Village of Caseyville reserves the right to deny use of the building for any event or purpose deemed by the Village to be: contrary to the public health, welfare, safety, disruptive to the surrounding neighborhood, promoting hate, violence, disorderly conduct or unusually burdensome to the Village's public safety resources. These types of events are contrary to the purpose of the Community Center.

The Village of Caseyville or other authorized personnel or the Police may revoke any permit previously granted, at any time, if it is determined that the application of permit contained any misrepresentation or false statement, or that any conditions set forth in the policies governing the safety of the participants in the activity/event of the applicant or other patrons or visitors to the Community Center is endangered by the continuation of such activity. Forfeiture of all fees and deposits will result when a permit is revoked while an activity/event is in progress.

28-2-12 **PARKING.** Parking is available in the designated parking spaces only. Please respect the handicapped parking spaces.

28-2-13 **CANCELLATION POLICY.**

(A) All fees will be refunded in full if a reservation is cancelled at least **forty-five (45) days** prior to the scheduled event.

(B) If a reservation is cancelled between **forty-four (44) days** and **thirty-five (35) days** prior to the scheduled event, **seventy-five percent (75%)** of the rental fee will be refunded.

(C) If a reservation is cancelled between **thirty-four (34) days** and **twenty (20) days** prior to the scheduled event, **fifty percent (50%)** of the rental fee will be refunded.

(D) Reservations cancelled with less than **twenty (20) days** of notice will result in forfeiture of the entire rental fee.

(E) The security deposit will be refunded less any expenses incurred by the cancelled event.

28-2-14 **ALCOHOLIC BEVERAGES.** If the renter chooses to provide alcoholic beverages (no bottled beer or soda), all alcohol shall be dispensed by a Village approved server. If the renter chooses to provide draft beer and use the Village equipment, an additional **Fifty Dollars (\$50.00)** Equipment and Supply Fee will be charges.

28-2-15 **SERVER FEES.** For groups of **one hundred fifty (150)** or less the server (1 server) fee shall be **Ten Dollars (\$10.00)** per hour plus tips. For groups of **one hundred fifty (150)** to **four hundred (400)** server (2 servers) fee shall be **Twenty Dollars (\$20.00)** per hour plus tips. All server fees shall be paid in cash directly to the server(s) by the renter at the beginning of the event.

28-2-16 **SODA FEES.** The fees for soda shall be as follows:

(A) For 0 to 100 people: **\$40.00**

(B) For 101 to 200 people: **\$60.00**

(C) For 201 to 400 people: **\$80.00**

28-2-17 **HOLD HARMLESS.** The Village of Caseyville shall not be liable for any claims for injury or damages resulting from or arising out of the use of the Community Center or premises and the permit holder agrees to indemnify the Village of Caseyville and hold it harmless against any and all such claims, damages, losses, or expenses.

28-2-18 **BUILDING ACCESS.** Access to the building during regular Village business hours to decorate, etc. the day before the event is allowed at no charge if the building has not been reserved for another event. After regular business hours a **Twenty-Five Dollar (\$25.00)** fee for the manager to unlock and lock the building shall be charged and covers a **three (3) hour** period.

28-2-19 **GENERAL CONDITIONS.** The Village of Caseyville Community Center is a smoke free building. The Community Center is equipped with electronic surveillance equipment. The live video and sound feed goes directly to the Police Department and may be monitored at any time.

(A) **Decorations.** All decorations used in the building are to be as fireproof as possible. No decorations shall be attached to the building with nails, screws, or any other fasteners or adhesives that would cause damage to walls or surfaces. Decorations, fasteners, tapes or other adhesive materials must be approved in advance by the Community Center Manager. Candles, including

centerpieces, (but except for food warming equipment brought by caterers), shall be approved in advance by the Community Center Manager. All decorations shall be removed by the end of the event.

(B) **Preparation of Food.** The Village of Caseyville Community Center is not equipped for cooking, but prepared food may be brought into the building for serving, provided all catering equipment is removed at the end of the event. All food shall be removed after the event/activity.

(C) **Inside Use.** Activities/events are to be carried on inside the building only, and are not to expand to adjoining parking areas. Any clean up and trash removal required outside the building will result in a forfeiture of the security deposit. Special activities/events that may require outside use must be individually approved by the Village Board of Trustees.

(D) **Supervision of Events.** All activities/events shall be properly controlled and supervised whenever persons participating in the planned activity are under **eighteen (18) years** of age and adequate adult chaperones shall be provided. A minimum of **two (2)** adult representatives per **twenty (20)** youths shall be present in the building at youth events during the entire activity/event. It is agreed that the person and/or organization making the reservation shall be held responsible, and shall see to it that the Community Center rules and regulations are obeyed and enforced.

(E) **Forfeiture of Deposit.** Failure to comply with the above rules and regulations can and shall result in forfeiture of security deposit and denial of future access to the Community Center.

(F) **Banned from Future Use.** In cases where organization(s) or person(s) use the facility in a manner that does not maintain or uphold the intention and purpose that the facility be used for the enjoyment and recreation of Village residents in a family atmosphere, such organization(s) or person(s) may be banned from future rentals.

(Ord. No. 1501; 06-17-15)

[See Section 1-1-20 for penalties.]

PUBLIC SAFETY

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	CIVIL EMERGENCY	
	Section 30-1-1 - Definitions	30-1
	Section 30-1-2 - Declaration of Emergency	30-1
	Section 30-1-3 - Curfew	30-1
	Section 30-1-4 - Authority of Mayor to Issue Orders	30-1
	Section 30-1-5 - Effectiveness	30-1
	Section 30-1-6 - Notification	30-2
II	POLICE DEPARTMENT	
	Division I – Generally	
	Section 30-2-1 - Establishment and Purpose	30-3
	Section 30-2-2 - Organization	30-3
	Section 30-2-3 - Appointments	30-3
	Section 30-2-4 - Oath and Bond	30-3
	Section 30-2-5 - Exemption From Jury Duty	30-3
	Section 30-2-6 - Qualifications	30-3
	Section 30-2-7 - Duties of Police Officers	30-4
	Section 30-2-8 - Duties of Police Chief	30-4
	Section 30-2-9 - Uniform	30-4
	Section 30-2-10 - Detective Position	30-4
	Section 30-2-11 - Probationary Officers; Expense	30-5
	Section 30-2-12 - Part-Time Officer Standards	30-5
	Section 30-2-13 - Police Code Rules and Regulations	30-5
	Section 30-2-14 - 30-2-24 Reserved	
	Division II – Auxiliary Police	
	Section 30-2-25 - Appointment	30-6
	Section 30-2-26 - Not Members of Police Department	30-6
	Section 30-2-27 - Powers and Duties	30-6
	Section 30-2-28 - Firearms Prohibited	30-6
	Section 30-2-29 - Training	30-6
	Section 30-2-30 - Compensation	30-6
	Section 30-2-31 - Village Marshal	30-7
III	FIRE DEPARTMENT	
	Section 30-3-1 - Department Established	30-8
	Section 30-3-2 - Meetings	30-8
	Section 30-3-3 - Duties of Fire Chief	30-8
	Section 30-3-4 - Secretary's Duties	30-8
	Section 30-3-5 - Treasurer's Duties	30-8
	Section 30-3-6 - Enforcement of Laws	30-8
	Section 30-3-7 - Obeying Orders at Fire	30-9
	Section 30-3-8 - Failure to Follow Orders	30-9
	Section 30-3-9 - Duty to Enforce	30-9
	Section 30-3-10 - Illegal Use of Equipment	30-9
	Section 30-3-11 - MABAS Agreement	30-9

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
III	FIRE DEPARTMENT (CONTINUED)	
	Section 30-3-12 - By-Laws	30-9
	Section 30-3-13 - Mitigation Rates	30-9
IV	EMERGENCY MANAGEMENT AGENCY (EMA)	
	Section 30-4-1 - Policy and Procedures	30-10
	Section 30-4-2 - Limitations	30-10
	Section 30-4-3 - Definitions	30-11
	Section 30-4-4 - Emergency Management Agency	30-11
	Section 30-4-5 - Emergency Management Powers of the Mayor	30-12
	Section 30-4-6 - Financing	30-13
	Section 30-4-7 - Local Disaster Emergencies	30-13
	Section 30-4-8 - Testing of Disaster Warning Devices	30-13
	Section 30-4-9 - Mutual Aid Arrangements Between Political Subdivisions	30-14
	Section 30-4-10 - Communications	30-14
	Section 30-4-11 - Immunity	30-14
	Section 30-4-12 - Professions, Trades and Occupations	30-14
	Section 30-4-13 - Appropriations and Levy of Tax	30-14
	Section 30-4-14 - Authority to Accept Services, Gifts, Grants or Loans	30-15
	Section 30-4-15 - Orders, Rules and Regulations	30-15
	Section 30-4-16 - Utilization of Existing Agency, Facilities and Personnel	30-15
	Section 30-4-17 - Severability	30-15
	Section 30-4-18 - No Private Liability	30-15
	Section 30-4-19 - Succession	30-16
	Section 30-4-20 - Compensation	30-16
	Section 30-4-21 - Personnel Oath	30-16
	Section 30-4-22 - Emergency Termination or Reduction of Electrical Service	30-16
	Section 30-4-23 - Penalty	30-16
V	TRANSMISSIONS OF FALSE ALARMS	
	Section 30-5-1 - Definitions	30-17
	Section 30-5-2 - False Alarms Prohibited	30-17
	Section 30-5-3 - Penalty	30-17
	Addendum "A" -	A-1
	Addendum "B" - Mutual Aid Box Alarm System Agreement	B-1
	Addendum "C" - MABAS; By-Laws	C-1
	Addendum "D" - Establishing and Implementing a Mitigation Rate Program	D-1

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – CIVIL EMERGENCY

30-1-1 **DEFINITIONS.**

"CIVIL EMERGENCY" is hereby defined to be:

(A) A "riot or unlawful assembly" characterized by the use of actual force or violence or any power to execute by **three (3)** or more persons acting together without authority of law; or

(B) Any "natural disaster" or "man-made calamity", including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the Village resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

"CURFEW" is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 **DECLARATION OF EMERGENCY.** Whenever an emergency as defined in **Section 30-1-1** exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

30-1-3 **CURFEW.** After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

30-1-4 **AUTHORITY OF MAYOR TO ISSUE ORDERS.** After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders.

(A) Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(B) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(C) Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(E) Issue such other orders as are imminently necessary for the protection of life and property.

30-1-5 **EFFECTIVENESS.** The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours** unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of

a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists.

30-1-6 **NOTIFICATION.** Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the Village and shall cause **three (3) copies** of the proclamation declaring the existence of the emergency to be posted at the following places within the Village:

- (A) The Village Hall.
- (B) The Post Office.
- (C) The Police Station.

(65 ILCS 5/11-1-6)

ARTICLE II - POLICE DEPARTMENT

DIVISION I - GENERALLY

30-2-1 **ESTABLISHMENT AND PURPOSE.** A Police Department is hereby established to provide for the preservation of the peace and the enforcement of all municipal ordinances and applicable State Statutes within the corporate limits of this Village.

30-2-2 **ORGANIZATION.** The Police Department shall consist of a Police Chief, who shall head the department, and such other officers as may be provided for from time to time by the Village Board.

30-2-3 **APPOINTMENTS.**
(A) The Mayor and City Council expressly reserve unto themselves, their powers as granted by **Chapter 65 ILCS Section 5/10-2.1-4.**
(B) The selection, qualifications and appointment and removal of the Chief of Police shall be solely vested in and with the corporate authorities of the Village, and the Police Chief shall be appointed by the Mayor, with the advice and consent of the Village Board.
(C) All other police officers of this Village shall be appointed in accordance with the applicable provisions of the **Board of Police Commissioners Act** upon there being advised by the Mayor and Village Board that a vacancy exists and a replacement is needed.

30-2-4 **OATH AND BOND.** Before entering upon the duties of his office, every member of the Police Department shall subscribe to the oath for municipal officers.

30-2-5 **EXEMPTION FROM JURY DUTY.** Every police officer employed by this Village is hereby declared exempt from jury duty.

30-2-6 **QUALIFICATIONS.** Every police officer of this Village shall meet the following qualifications:
(A) Applicant shall be at least **twenty-one (21) years of age.**
(B) Applicant shall possess an associate of applied science degree.
(C) Applicant shall be physically and psychologically healthy as determined by appropriate tests.
(D) Applicant shall be of good character and shall not have been convicted of a felony or a crime involving moral turpitude.
(E) It is specifically provided that a person shall be eligible to take the initial examination for a position as a full-time regular police officer of the Village even if that person is not an actual resident of the Village at the time of the making of the application or at the time of the taking of any such examinations as prescribed by the Board of Police Commissioners of the Village; however, any applicant selected must, upon notification of the commencement of his probationary appointment, establish actual residency within the Village Limits, within **sixty (60) days** of the date of commencement of his duties as a police officer.

Residence within the meaning of this Article is defined as follows: That place where a person has his true, fixed, and permanent home, and to which whenever he is absent, he has the intention of returning. Residence within the meaning of this Article further means that it is the police officer's home and fixed place of habitation and not a transient place of dwelling. It is further specifically provided that all persons, in order to continue to qualify to be a member of the Police Department of the Village must, at all times, maintain a residence in the Village and any such person's failure to so maintain a residence

shall be considered an automatic ground for such person's dismissal. Any rules adopted or hereinafter amended by the Board of Police Commissioners shall be in conformity and consistent with the provisions of this Article.

(F) Applicant shall meet any other qualifying requirements imposed by proper authorities acting pursuant to the provisions of the **Board of Police Commissioners Act**.

30-2-7 DUTIES OF POLICE OFFICERS. In addition to any duties a particular police officer may have by virtue of his rank within the Department, every police officer of this Village is authorized and obliged to perform the following duties:

(A) To serve and execute all warrants for the violation of municipal ordinances and codes or the State Criminal Code.

(B) To arrest or cause to be arrested all persons who break the peace or are found violating any municipal ordinance or code or any State criminal law.

(C) To direct, control, and regulate vehicular and pedestrian traffic in a manner consistent with the provisions of State law and the Motor Vehicle Code of the Village.

(D) To remove any unattended, abandoned, or disabled vehicle from the public roadways of this Village if such vehicle is obstructing normal traffic flow; and

(E) To exercise all other powers as conservators of the peace that the Board may prescribe.

30-2-8 DUTIES OF POLICE CHIEF. The Chief of Police of this Village shall have the following powers and duties in addition to those set forth in **Section 30-2-7**:

(A) The Chief shall aid municipal officers in the execution of their official duties, upon request.

(B) The Chief shall report monthly, or at such times upon request of the Mayor and the Village Board, on the state of the Police Department.

(C) The Chief shall be in command of all municipal police officers, including the Detective, and shall see that the discipline and conduct of every officer conforms to rules of the Department.

(D) The Chief shall make rules consistent with the provisions of applicable municipal codes and State laws as needed for the detailed operation of the Police Department, subject to the approval of the Mayor and Village Board. Such rules shall cover off-duty and on-duty conduct and activity of officers, the wearing and care of the uniform, the use and practice with sidearms and other police weapons, the use of police radios and other communications, attendance at training meetings, and such other matters as he determines to be necessary for the operation of the Department.

(E) The Chief shall be responsible for the care, maintenance, and use of all vehicles and equipment for the Department.

(F) The Chief shall diligently perform all his duties with respect to the reporting of vehicular accidents; and

(G) The Chief shall cause nuisances to be abated when so directed by the Mayor.

30-2-9 UNIFORM. All police officers shall be furnished clothing meeting the standards of color, style, and quality specified by the Department. Any officer who leaves the Department shall return all official uniforms, insignia, sidearms, badges, or any other equipment or paraphernalia furnished to him before receiving final compensation.

30-2-10 DETECTIVE POSITION. The Chief of Police may at his discretion from time to time designate a regular full-time Police Officer to serve as a detective. This officer shall meet the same standards and qualifications specified for other Police Officers and perform such duties as prescribed by the Chief of Police.

30-2-11 PROBATIONARY OFFICERS: EXPENSE.

(A) All probationary police officers hired shall be responsible to defray all expense for all minimum training requirements necessary for said person to become a regular non-probationary police officer. Such expenses include but is not limited to cost of training academy, tuition, miscellaneous fees, books, travel and lodging.

(B) The police officers shall be paid from the date they are hired even if they are undergoing or will be undergoing required minimum training.

30-2-12 PART-TIME OFFICER STANDARDS.

(A) **Employment.** The Police Chief may employ part-time police officers from time to time as it deems necessary, upon the approval of the Village Board.

(B) **Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (**50 ILCS 705/1 et seq.**) and the rules and requirements of the Illinois Enforcement Training Standards Board.

(C) **Hiring Standards.** Any person employed as a part-time police officer must meet the following standards:

- (1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
- (2) Be at least **twenty-one (21) years** of age.
- (3) Pass a medical examination.
- (4) Possess a high school diploma or GED certificate.
- (5) Possess a valid State of Illinois driver's license.
- (6) Possess no prior felony convictions.
- (7) Any individual who has served in the U.S. military must have been honorably discharged.

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

(Ord. No. 1142; 06-20-12)

30-2-13 POLICE CODE RULES AND REGULATIONS. There be and there is hereby established a set of Rules and Regulations for the governing of the police by the corporate authorities pursuant to statutory authority, provided for the Police Department of the Village. The Rules and Regulations are contained in Addendum "A" following this Chapter. (**Ord. No. 537; 05-04-76**)

30-2-14 - 30-2-24 RESERVED.

DIVISION II - AUXILIARY POLICE

30-2-25 **APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the Village Board. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C. for any possible criminal record. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least **eighteen (18) years** of age. The appointment of any or all auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the Village Board.

30-2-26 **NOT MEMBERS OF POLICE DEPARTMENT.** Auxiliary policemen shall not be members of the Regular Police Department and shall be residents of the Village. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the Regular Police Department and shall be selected and chosen by the Chief of Police of this Village. Auxiliary policemen shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police.

30-2-27 **POWERS AND DUTIES.** Auxiliary policemen shall have the following powers and duties when properly assigned and on duty:

- (A) To aid or direct traffic in the municipality.
- (B) To aid in control of natural or man-made disasters.
- (C) To aid in case of civil disorder.
- (D) To perform normal and regular police duties when assigned by the Chief of Police on occasions when it is impractical for members of the regular Police Department to perform normal and regular duties.
- (E) 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.
- (F) To commit arrested persons for examination.
- (G) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place or until they can be brought before the proper magistrate.
- (H) To exercise all other powers as conservators of the peace that the corporate authorities may prescribe.
- (I) To serve and execute all warrants for the violation of municipal ordinances, or the State Criminal Law, within the corporate limits of the Village, and also on any property owned and controlled by the Village beyond its corporate limits and for this purpose, to have all the common law and statutory power of sheriffs.

30-2-28 **FIREARMS PROHIBITED.** Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

30-2-29 **TRAINING.** Auxiliary policemen, before entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures appropriate for the exercise of the powers conferred upon them under this Code. The training and course of study shall be determined and provided by the Chief of Police.

30-2-30 **COMPENSATION.** Auxiliary policemen may receive compensation as provided by the Village Board.

30-2-31 **VILLAGE MARSHAL.** The Village Marshal when functioning as Marshal and the Deputy Marshals shall not be considered to be members of the regular police department of the Village and shall not function on a full-time basis. Uniforms and identification symbols of the Marshal and Deputy Marshals shall be different and distinct from those used by members of the regular police department of the Village. The Marshal and Deputy Marshals shall at all times during the performance of their duties be subject to the direction and control of the Village President, the Board of Trustees, and the Chief of Police of the Village of Caseyville. **(Ord. No. 579; 07-17-79)**

(65 ILCS 5/3.1-30-20)

ARTICLE III - FIRE DEPARTMENT

30-3-1 **DEPARTMENT ESTABLISHED.** There is hereby established a Fire Department consisting of a Fire Chief and volunteers who shall be appointed by the Mayor with the advice and consent of the Village Board. Whenever a vacancy occurs in the number of volunteers, the remaining members shall select a new member.

30-3-2 **MEETINGS.** The Fire Department shall hold monthly meetings and at the December meeting, shall elect a Secretary and a Treasurer. The officers so elected shall qualify and take office at the first meeting in January.

30-3-3 **DUTIES OF FIRE CHIEF.** The Fire Chief shall, upon taking office, make appointments and prescribe such duties as may be necessary and proper in the organization and effective operation of the Fire Department during that year. The Fire Chief shall have the control and supervision of the Fire Department and all fire apparatus and equipment belonging to the Village, subject to the order and direction of the Mayor.

In case of fire, the Fire Chief and his Assistants, in their order of rank, shall take command at such fire and the officer highest in rank shall take command of the Fire Department and direct the management thereof for the suppression of the fire in the best manner possible; and when it may be necessary for the protection of, other property to prevent the spread of the fire, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible.

30-3-4 **SECRETARY'S DUTIES.** The Secretary shall keep a record of all meetings of the Fire Department and the attendance of the members, a record of all fires and the attendance of the members of such fires. During the last week of March of each year, the Secretary shall file with the Village Clerk a full report of such record of attendance and fires, which report shall be made under oath. He shall also keep such other records, make such reports and keep and furnish such statistics as may be required of him by law.

30-3-5 **TREASURER'S DUTIES.** The Treasurer, before taking office, shall execute and file with the Village Clerk a sufficient bond to the Village, to be approved by the Mayor and Village Board, conditioned for the faithful performance of his duties under this Article. The Treasurer shall receive all moneys collected for and on behalf of the Fire Department, including the tax or license fee for foreign fire insurance companies and shall pay the same upon the order of the Fire Department for the purposes of maintenance, use and benefit of such department. Such Treasurer shall make monthly reports to the Fire Department on the condition of the funds in his hands and shall, on the first Tuesday of December in each year, make a sworn report and statement to the Mayor and Village Board of all moneys received and disbursed by him as such Treasurer and the balance of moneys in his hands. The books, records, and accounts of such Treasurer shall be faithfully kept and shall, at all times, be open to inspection and an audit of the Mayor and Village Board. He shall, at the expiration of his term of office, surrender, pay and deliver to his successor in office, all books, records, accounts and moneys in his hands as such Treasurer.

30-3-6 **ENFORCEMENT OF LAWS.** It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence or spread of fires and to enforce all ordinances relating to the occurrence or spread of such fires.

30-3-7 **OBEYING ORDERS AT FIRE.** No fireman in attendance at a fire shall neglect or refuse to obey the orders of the officer in command at such fires.

30-3-8 **FAILURE TO FOLLOW ORDERS.** Every male person above the age of **twenty-one (21) years** who shall be present at a fire shall be subject to the orders of the officer in command at such fire and shall render all the assistance in his power, and in such manner as he may be directed, in the extinguishment of the fire and in the removal of and protection of property, and any person refusing to obey such orders shall, upon conviction, be fined as provided in **Chapter 1 -- Administration** of this Code, provided no person shall be bound to obey any such officer, unless such officer's official character shall be known or made known to such person.

30-3-9 **DUTY TO ENFORCE.** It shall be the duty of all officers of the Fire Department and all police officers of the municipality to see that the provisions of this Code are enforced and to arrest on view any person who shall be found violating any of the provisions of this Article or who shall hinder, resist or refuse to obey any such officer in the discharge of his duty, and to that end, all such officers are hereby vested with the usual power and authority of police officers.

30-3-10 **ILLEGAL USE OF EQUIPMENT.** No person shall use any fire engine or any other apparatus belonging to the municipality for any private purpose, other than the extinguishment of fires; nor shall any person remove the same or any part thereof from its place of deposit or, having the control thereof, shall permit such engine or other apparatus to be used for any private purpose other than the extinguishment of fires.

30-3-11 **MABAS AGREEMENT.** The Mayor and the Clerk be and are hereby authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System, a copy of said Agreement being attached hereto and being made a part hereof. **(Ord. No. 990; 02-16-05) (See Addendum "B")**

30-3-12 **BY-LAWS.** The Mutual Aid Box Alarm System Executive Board By-Laws attached hereto as **Addendum "C"** and made a part hereof are hereby approved. **(Ord. No. 990; 02-16-05)**

30-3-13 **MITIGATION RATES.** The Fire Department shall initiate mitigation rates for the delivery of emergency and non-emergency services by the Fire Department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in **Addendum "D"**. The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in **Addendum "D"**, which may include any services, personnel, supplies, and equipment and with baselines established by ordinance.

(A) A claim shall be filed with the responsible party through his or her or its insurance carrier. In some circumstances, the responsible party will be billed directly.

(B) The Fire Department may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as it may deem necessary or expedient in respect to billing for mitigation rates or the collection thereof.

(C) It is found and determined that all formal actions of this Village Board concerning and relating to the adoption of this Section were adopted in an open meeting, and that all deliberations of the Board and any of its committees that resulted in such formal actions were in accordance with all legal requirements.

(Ord. No. 1401; 01-15-14)

ARTICLE IV - EMERGENCY MANAGEMENT AGENCY (EMA)

30-4-1 POLICY AND PROCEDURES.

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this Village will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this Village and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal emergency management agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS 5/11-1-6**).
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the Village as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the Village that all emergency management programs of this Village be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

30-4-2 LIMITATIONS. Nothing in this Code shall be construed to:

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D) Limit, modify, or abridge the authority of the Mayor and the Village Board to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

30-4-3 **DEFINITIONS.** As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

(A) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this Village to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the Village describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

(E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

30-4-4 **EMERGENCY MANAGEMENT AGENCY.**

(A) There is hereby created an emergency management agency and a coordinator of the emergency management agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed by the Mayor with the advice and consent of the Board. He shall serve at the pleasure of the Mayor.

(B) The Emergency Management Agency shall obtain, with Board approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Management Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this Village. He shall coordinate the activities of all organizations for emergency management operations within this Village and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal emergency management agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Management Agency shall:

(1) Determine the requirements of the Village for food, clothing and other necessities in the event of an emergency;

- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;
- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
 - (a) The establishment of an emergency operating center;
 - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

30-4-5

EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the emergency management agency, and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this Village which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
 - (a) Prevention and minimization of injury and damage caused by disaster;
 - (b) Prompt and effective response to disaster;
 - (c) Emergency relief;
 - (d) Identification of areas particularly vulnerable to disasters;
 - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
 - (f) Assistance to local officials in designing local emergency action plans;
 - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
 - (h) Organization of municipal manpower and chains of command;
 - (i) Coordination of local emergency management activities;
 - (j) Other necessary matters.

- (3) In accordance with such plan and program for the emergency management of this Village, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
- (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this Village as may be necessary to ascertain the capabilities of the Village for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.

(D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the emergency management agency as its office.

30-4-6 FINANCING.

(A) It is the intent of the Village Board and declared to be the policy of the Village that every effort shall be made to provide funds for disaster emergencies.

(B) It is the Village Board's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the Village a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the Village Board for the purpose of enacting ordinances as the Village Board may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the Village Board is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the Village Board can convene.

(C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-4-7 LOCAL DISASTER EMERGENCIES.

(A) A local disaster emergency may be declared only by the Mayor or Village Board. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the Village Board. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.

(B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

(C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the Village Board meets at such time, he shall act subject to the directions and restrictions imposed by that body.

30-4-8 **TESTING OF DISASTER WARNING DEVICES.** The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

30-4-9 **MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.** The coordinator for emergency management operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-4-3** of this Code, it shall be the duty of each local and department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-4-10 **COMMUNICATIONS.** The local Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-4-11 **IMMUNITY.** Neither the Village, the agency or any member thereof or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-4-12 **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-4-3** occurs in this Village and the services of persons who are competent to practice any profession, trade or occupation are required in this Village to cope with the disaster situation and it appears that the number of persons licensed or registered in this Village to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this Village pursuant to the order of the head of that political subdivision and upon the request of the Village, or if otherwise requested so to do by the Mayor or the coordinator of this Village, during the time the disaster condition continues, practice such profession, trade or occupation in this Village without being licensed or registered in this Village.

30-4-13 **APPROPRIATIONS AND LEVY OF TAX.** The Village Board may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The Village Board may also levy for emergency management operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the Village for the current year.

However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

30-4-14 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the Village services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the Village, acting through the Mayor or through its Village Board, may accept such offer and upon such acceptance the Mayor or the Village Board may authorize any officer of the Village to receive such services, equipment, supplies, materials or funds on behalf of the Village.

30-4-15 ORDERS, RULES AND REGULATIONS.

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Management Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency Management Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

30-4-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.

In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency management agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the Village to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency management agency.

30-4-17 SEVERABILITY. If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

30-4-18 NO PRIVATE LIABILITY.

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the Village

under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the Village, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

30-4-19 **SUCCESSION.** In the event of the death, absence from the Village or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency management agency shall succeed to the duties and responsibilities of the Mayor.

30-4-20 **COMPENSATION.** The Village Board, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

30-4-21 **PERSONNEL OATH.** Each person, whether compensated or noncompensated, who is appointed to serve in any capacity in the municipal Emergency Management Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Management Agency before a person authorized to administer oaths in this Village, which oath shall be filed with the coordinator of the Emergency Management Agency, and which oath shall be substantially as follows:

“I, _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Village, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

30-4-22 **EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**
(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or Village Board, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or Village Board shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-4-23 **PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished by a fine pursuant to **Section 1-1-20** of this Code.

(20 ILCS 3305/1 et seq.)

ARTICLE V - TRANSMISSIONS OF FALSE ALARMS

30-5-1 **DEFINITIONS.** The following definitions shall apply:

(A) **Burglar Alarm.** The term "burglar alarm" shall mean and include any alarm system designed to detect and signal the presence of a burglar, thief, interloper or person breaching the peace which terminates in any manner at the Police Department or emits an audible sound at the physical premises on which the alarm is installed.

(B) **False Alarm.** The term "false alarm" shall mean and include any and all detonations of burglar alarms (when in fact, no burglar, thief, interloper or person breaching the peace is on the premises) if the detonation was caused by human error or equipment malfunction at the physical premises on which the alarm is installed, but not if the detonation was caused by a malfunction in telephone lines or equipment not located at the physical premises on which the alarm is installed.

(C) **Person, Business or Corporation.** The terms "person, business or corporation" shall mean and include any person owning, operating, in control of, or managing the premises from which such transmission of a false alarm occurred.

(D) **Automatic Dialing Device.** The term "automatic dialing device" shall mean and include any alarm system which automatically dials a specific telephone number and transmits an emergency message by recording over regular telephone lines when actuated.

(E) **911.** The term "911" shall mean and include the emergency telephone system that contacts any public safety agency, by dialing the numbers 9-1-1 on the telephone.

30-5-2 **FALSE ALARMS PROHIBITED.** It shall be unlawful for any person, business or corporation residing or doing business in the Village and having on his/her or its premises an alarm, to permit or allow the transmission of a false alarm if the alarm in question has transmitted **three (3)** or more false alarms within the immediately preceding **ninety (90) days**. It shall be unlawful to install or use an automatic dialing device, in conjunction with said alarm, which is programmed to dial "911" telephone number of the Department of Police. It shall be unlawful to access the number "911" for the purpose of making a false alarm or complaint or reporting false information which could result in the emergency response of any public safety agency.

30-5-3 **PENALTY.** Any person, business or corporation violating any provision of this Article shall be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation, and a separate offense shall be deemed committed each and every time police officers of the Village respond to a false alarm made unlawful by this Section.

(Ord. No. 813; 11-29-95)

ADDENDUM "A"

DIVISION I – PERSONAL CONDUCT

- 1-100 Violation of the rules and regulations herein contained will be considered and appropriate disciplinary action will be taken by the Police and Fire Board.
- 1-110 Members habitually violating rules and regulations or engaging in other serious misconduct tending to bring disrepute to themselves or the Department shall be charged with conduct unbecoming an officer.
- 1-120 A member shall not individually or in concert with others, commit, attempt or engage in any form of dishonesty, including prevarication, whether on or off duty.
- 1-130 No member shall directly or indirectly accept any gift, gratuity, consideration or reward or any promise of same to influence him or tend to influence him in the performance of his duties.
- 1-140 No person shall resort to any form of dishonesty to pass a Department entrance or promotional examination.
- 1-150 A member of the Department refusing to testify under oath before any legally qualified court, tribunal, public body or officer, on the grounds of possible self-incrimination, shall be subject to disciplinary action.
- 1-160 Any member of the Department charged with violation of a criminal law may be subject to disciplinary action.
- 1-170 Members of the Department are prohibited from engaging in any immoral or indecent conduct or frequenting places of questionable character, whether on or off duty.
- 1-180 A member shall neither contract excessive debts nor refuse to may payment of a just claim for which he is liable.
- 1-190 A member is charged with the duty to conduct himself at all times in keeping with the Law Enforcement Code of Ethics and all activity adverse to this concept, whether or not specifically mentioned or prohibited in these rules and regulations, shall subject a member to appropriate disciplinary action.
- 1-200 Members of the Department shall not drink intoxicating beverages while in uniform.
- 1-210 A member in uniform or on duty shall not enter a tavern except in necessary performance of duty. Whenever any extended period of time is to be spent in a tavern or other place of questionable repute if at all possible, the officer's superior will be informed of the impending visit beforehand. In all such cases a report explaining the visit must subsequently be made by the officer.
- 1-220 No member shall report for duty with the odor of alcohol on his breath or under the influence of intoxicants, nor shall he drink any alcoholic beverage during his duty hours.
- 1-230 Superior officers shall not assign to duty any subordinate in an unfit condition due to improper use of intoxicants. They shall relieve such member from duty, recommend a forfeiture of pay for that day and make an immediate report to the Police Committee.

The commanding officer shall also if circumstances require, demand the member's weapon, identification and uniform insignia.

- 1-240 A member shall not have intoxicating liquor on his person while on duty or in uniform, or in any Department building or vehicle except for evidential purposes.
- 1-250 Members shall not use any narcotic or stimulating drug while on duty and at no time off duty unless prescribed by a physician for illness.
- 1-260 Uniformed members shall not chew tobacco, nor smoke while in public view, nor shall they chew gum or similar substances in court, on parade, or in military formation. Members patrolling in a car or inside any police building shall not be considered in public view.
- 1-270 A member shall not chew tobacco or gum or smoke when in the process of conducting police business with any citizen, regardless of locality unless that citizen invites him to do so.
- 1-280 A member shall treat the public, all superiors and associates with respect, courtesy and consideration.
- 1-290 A member shall not circulate rumors or otherwise engage in conversation or activity which might adversely affect the morale of the Department or the status of any member thereof.
- 1-300 Members shall refrain from the use of uncivil, harsh, or profane language, even under great provocation.
- 1-310 Whenever a member or any of his immediate family become personally involved in an altercation or any situation requiring police attention, he shall summon another officer to handle the situation.
- 1-320 No member shall write for publication, broadcast over a radio or television or otherwise cause to be publicly dispensed any information concerning police matters without express authorization from the Police Committee, nor shall any member give oral or written endorsement for any manufacturer's article, goods or merchandise of any description.
- 1-330 A member shall not exhibit or divulge the contents of any criminal record to any person except in the conduct of Department business or in accordance with the provisions of the law.
- 1-340 No member shall knowingly associate with or have dealings with any criminals, racketeers, gamblers, or persons engaged in unlawful activities, or possessed of unsavory reputations, except with permission of his commanding officer, or in the discharge of official duty.
- 1-350 A member shall not associate with any person or group that advocates prejudice against any racial, religious, or other group, except in the line of duty.
- 1-360 A member shall not join any organization designed to interfere with the orderly process of government by illegal means.

- 1-370 No member shall accept any other position of public trust or affiliate with any organization which might tend to interfere with impartial performance of his police duties.
- 1-380 A member shall not act as co-maker, guarantor, or endorser for any money borrowed by another member of the Department nor shall he induce a member to become a co-maker, guarantor or endorser for money borrowed by himself.
- 1-390 A member shall not incur liability chargeable to the Department without the proper authorization.
- 1-400 A member shall not act as surety on a bond or recognizance for any person other than himself or his immediate family.
- 1-410 A member shall not enlist, re-enlist, volunteer or in any other way render himself militarily liable without prior approval of the Police Committee.
- 1-420 Members shall advise their commanding officers immediately upon change of address, telephone number or marital status.
- 1-430 Members shall maintain personal habits of cleanliness and hygiene at all times.
- A. The face shall be clean shaven at all times except should an officer be on an undercover assignment, then this requirement may be waived by the Chief of Police.
- B. The hair shall be neatly trimmed and combed and the following requirements shall be complied with by all personnel:
1. The hair on the top of the head will be neatly groomed and when combed, it will not fall over the ears or eyebrows.
 2. The length and/or bulk of the hair will not be excessive or present a ragged, unkept or extreme appearance.
 3. Hair on the sides and back of the head will present a tapered appearance and will not touch the collar except for the closely cut hair at the back of the neck.
 4. Sideburns will be neatly trimmed with the base clean-shaven in a horizontal line. Sideburns will not extend downward beyond the base of the earlobe and shall not exceed **one (1) inch** in width.
 5. It is permissible to wear a wig or hairpiece to cover natural baldness or physical disfiguration caused by accident or medical procedure. When worn, it will conform to the standard haircut guidelines as stated.
 6. The attached appendix illustrates various hairstyles and sideburns which are acceptable according to these guidelines. No style longer than the ones illustrated is permitted.
- C. Fingernails will be clean and neatly trimmed.
- 1-440 Members shall render proper military courtesies to the National Colors and the National Anthem of the United States or the National Anthem of a foreign power played in honor of a representative of that power. This shall consist of a hand salute rendered at the proper time for uniformed officers.
- 1-450 Members shall not speak before a public gathering or meeting without first having obtained the approval of the Board of Trustees.

DIVISION II - DISCHARGE OF DUTY

- 2-100 Any member displaying cowardice in line of duty shall be subject to disciplinary action.
- 2-110 Members are obligated to take action in any criminal or emergency situation coming to their attention whether on or off duty.
- 2-120 A member shall remain awake and alert when on duty and shall prepare himself by obtaining adequate rest and sleep prior to reporting for duty.
- 2-130 The use of unnecessary force or brutality to prisoners or other persons is prohibited but failure to use force when necessary will be considered neglect of duty.
- 2-140 Members are prohibited from attempting to coerce or influence any law enforcement officer for the purpose of causing him to refrain from properly performing his police duties. Officers shall immediately report to the Chief of Police any such attempts.
- 2-150 Members shall report in writing through channels to the Chief of Police all information they acquire at any time concerning organized crime, racketeering or vice conditions.
- 2-160 Any complaint or occurrence involving the death or injury of a member of the Department while in the performance of police duty or involving any situation of an emergency nature including major crimes or accidents, shall be conveyed immediately to the dispatcher who shall at once, at any time of the day or night, notify the Chief of Police.
- 2-170 An officer shall at all times respond promptly and in a safe manner to radio calls. He shall as soon as practicable, notify the dispatcher of action taken and make himself available for further service. Department procedures will be followed in answering calls and proper radio procedure.
- 2-180 Officers shall not form fixed habits of patrol which can be relied on to the advantage of the criminal element.
- 2-190 An officer shall keep himself available for service during those times and at those places where his presence will have the greatest effect on crime and traffic conditions.
- 2-200 Members in police vehicles shall at all times keep radio receivers at an audible level. Under no circumstances will officers leave police vehicles without first notifying the dispatcher of his location and reason for leaving the vehicle. Missed radio calls will be considered neglect of duty.
- 2-210 All enforcement personnel operating assigned police vehicles, regardless of rank or assignment and whether on or off duty, shall make themselves available for radio calls upon request of the Police Dispatcher.
- 2-220 Members shall not respond to a scene where another car has been dispatched unless they are dispatched themselves or unless they have a definite police function to perform at such a scene.
- 2-230 A member shall not leave his assigned area or post unless authorized by the dispatcher or his superior officer except in the direct pursuance of his duties.

- 2-240 Members shall not show partiality toward any member, or form, of the news media. Members should if practicable assist newsmen if such assistance will not otherwise interfere with the police function being performed. In the latter case newsmen should be referred to the Chief of Police. Other press releases should come from the office of the Chief of Police.
- 2-250 Members are prohibited from personally suggesting to any citizen the services of any lawyer, bondsman, undertaker, ambulance or towing service.
- 2-260 Members shall not, unless required by duty, recommend to any municipal, state or federal agency that a particular person, group or agency be issued a license or permit.
- 2-270 Members shall receive permission from the Police Committee before a police receiver tuned to the Police Department frequency may be installed in his personal automobile.
- 2-280 A member shall not engage in sports or in any game of cards, billiards, or pool in a public place while in uniform.
- 2-290 Members shall not withhold unfavorable or provide false information concerning a prospective employee of this Department.

DIVISION III - ORDERS

- 3-100 Members must at all times show respect to superior officers in word and manner and address them by the full title of their rank.
- 3-110 A member of the Department shall promptly comply with all lawful orders and instructions issued by a superior officer or by a recognized higher authority.
- 3-120 A member temporarily filling the position of a superior is vested with the authority of the person for whom he is acting but, except in emergencies, shall not rescind or modify orders previously issued by the superior.
- 3-130 A member shall know his superior and commanding officers in the sequence of their authority over him and he shall follow the chain of command in all departmental matters except as otherwise provided in this manual.
- 3-140 It is the duty of a member to make inquiry if he does not fully understand an order.
- 3-150 Should any member receive from a superior officer an order which conflicts with rules and regulations, or with a previous order, such member shall respectfully call the attention to the superior officer to such conflict. If the order is repeated, the member receiving it shall obey immediately and the responsibility will rest with the superior. Reports from both the member and the superior officer shall be forwarded to the Police Committee.
- 3-160 If an order is unlawful, the member shall respectfully inform the superior officer that he cannot carry out the unlawful order and state the reasons. Reports from both the member and the superior officer shall then be forwarded to the Police Committee.

- 3-170 A superior officer shall be held responsible for any unreasonable order issued and any member receiving an order deemed unreasonable, although he must obey, has the right to protest the order.
- 3-180 It is the duty of superior officers to promptly transmit orders to their subordinates.
- 3-190 All orders shall be shown or read to members prior to the date of effect and posted for a reasonable length of time.
- 3-200 The duty of superior officers does not end in issuing orders. They must make every reasonable effort to insure that orders are being enforced.
- 3-210 The first officer dispatched to the scene of a police incident is responsible for protection of the scene until arrival of the investigating officer. Any other officer issuing orders must be prepared to accept responsibility for all subsequent activities at the scene.
- 3-220 All General Orders, Special Orders and Memorandums will be issued by the Chief of Police and shall have the same force and effect as a direct command from him.

DIVISION IV - FIREARMS AND OTHER WEAPONS

- 4-100 Officers shall be armed with the proper firearms at all times when on duty and have an approved firearm readily available when off duty. If an officer has need for his gun while off duty and within the Village limits, but is unarmed, this will be considered inexcusable and make him subject to disciplinary action.
- 4-110 An officer shall not draw or display his firearms or other weapons except in the line of duty or for official inspection.
- 4-120
- A. An officer may discharge his firearms for any of the following purposes:
1. To protect himself from death or bodily harm.
 2. To protect another person from death or bodily harm.
 3. To perfect the arrest or prevent the escape, after notice, when all other means fail, of a person who has committed a Forcible Felony as defined in Article II, Chapter 720, Illinois Compiled Statutes. "Forcible Felony" is defined as: Treason, Murder, Voluntary Manslaughter, Rape, Robbery, Burglary, Arson, Kidnapping, Aggravated Battery, and any other Felony, which involves the use or threat of physical force or violence against any individual.
 4. To prevent an arrest from being defeated by resistance, and the person to be arrested is attempting to escape by use of a deadly weapon.
 5. To prevent an arrest from being defeated by resistance, and the person to be arrested indicates he will endanger human life.
 6. When officer is manning a roadblock, shots can be fired at the suspect vehicle so as not to endanger the life of persons not involved in the incident.
- 4-130 Anytime firearms are discharged by any officer of this Department, for any purpose whatsoever except for required firearms training, a complete written report will be

submitted to the Chief of Police explaining the circumstances of the incident and why it was necessary to use firearms. In all instances wherein firearms are discharged, except for required firearms training, the Criminal Investigation Unit shall conduct an independent investigation into the incident and report same to the Chief of Police. The Chief of Police shall then convene a departmental hearing, which shall be conducted by the Chief of Police and the Department Sergeant to assure that the incident was handled in compliance with the Department Rules and Regulations. A report of this hearing shall become a part of the case file. Members of the Hearing Board may make recommendations to the Chief of Police concerning disciplinary action in this matter.

- 4-140 Firearms shall not be taken into an area of confinement or in an area where prisoners are allowed freedom of movement, except in an emergency.
- 4-150 Gas guns, gas projectiles, machine guns and automatic or high-powered rifles shall be used only under direction of a supervisory officer.
- 4-160 Every officer shall familiarize himself with and comply with the provisions of Chapter 720, Article 24, Illinois Compiled Statutes, which pertains to unlawful use, sale, possession and otherwise acquiring or disposing of concealable weapons; and Chapter 430, Article 83, Illinois Compiled Statutes, pertaining to firearms and ammunition.
- 4-170 Chemical mace shall be issued to each officer by the department. It shall be carried when on duty and considered a part of the uniform. It shall be used only in aiding in effecting an arrest of a resisting subject. When chemical mace has been used, it shall be the responsibility of the officer involved in the incident to assure that the subject receives immediate, proper attention to wash the chemical mace from the subject's eyes and face with cold water. If, in the opinion of the arresting officer, medical attention shall be required, this shall be reported immediately to a supervisory officer and medical attention should be obtained. Failure to assure that these provisions are complied with shall result in disciplinary action to the officer and officers involved. A complete report will be submitted to the Chief of Police explaining the circumstances of the incident and why it was necessary to use the chemical mace.
- 4-180 Handcuffs shall be carried when on duty and considered a part of the uniform. Handcuffs may be used at the discretion of the arresting officer in misdemeanor cases, however, all prisoners charged with a felony shall be handcuffed by the arresting officer. Should a prisoner escape and an officer has failed to comply with provisions of this Section, it shall be considered negligence and the officer subject to appropriate disciplinary action.

I HAVE READ THE ABOVE ORDER AND FULLY UNDERSTAND IT.

Signature

Date

DIVISION V - COURT AND LEGAL MATTERS

- 5-100 A member required to be in court shall be prompt in attendance and shall remain until he is no longer needed.
- 5-110 A member appearing in court shall wear either his uniform or acceptable civilian attire of conservative color and design, including, coat, collar and tie.
- 5-120 A member shall not by word or action at any time indicate bias, prejudice or anger or in any manner exhibit personal feelings regarding the persons or subject matter involved when testifying in court.
- 5-130 When a member is called upon to give expert testimony which will be against the interest of the City or State in any trial wherein the City or State is a party, he shall advise the Police Committee of the text thereof before giving such testimony.
- 5-140 A member shall not discuss to unauthorized persons any information concerning pending matters which might prejudice the interests of the State, the City or the defendant.
- 5-150 An officer who receives a jury summons shall immediately notify the Chief of Police. It shall be the officer's responsibility to arrange to be excused from jury duty.
- 5-160 All officers shall familiarize themselves with the laws of the State of Illinois pertaining to crime, evidence, arrest, search and seizure and with the Ordinance of the Village.

DIVISION VI - OUTSIDE EMPLOYMENT

- 6-100 Members shall not perform off duty employment without first submitting an application to the Board of Trustees and receiving approval in writing. Each member must renew his application by **January 15th** of the following year if he continues to be employed off duty.
- 6-110 Members shall not engage in the occupation of bartender, bouncer, tavern operator or collector of bad debts or bad checks. Members shall not engage in any illegal occupation such as gambling or working in gambling houses, and they shall not be employed at race tracks or other similar establishments.
- 6-120 The Chief of Police may revoke authorization in the event off duty employment interferes with the performance of the member's police duties, after approval by the Board of Trustees.
- 6-130 Members engaged in off duty employment shall not work more than **four (4) hours** a week except on their days off when this rule does not apply. However, no member shall work more than **eight (8) hours** in such employment the day before he is scheduled to return to regular duty.
- 6-140 Members are forbidden to act as private investigators or private detectives or in any other capacity where the primary purpose of such employment is to gather information for or appear as a witness in a civil action.

6-150 Members are forbidden to use their official status to acquire information solely for the purpose of being utilized by the litigants in a civil action.

DIVISION VII – REWARDS AND SOLICITATIONS

7-100 Members shall not sell or attempt to sell tickets or collect money for any other purposes without the approval of the Chief of Police.

7-110 A member shall not use his official position to gain admission to any public event or to receive other special consideration except in accordance with the Police Department policy.

7-120 A member shall not authorize the use of his name, a photograph which identifies him as being affiliated with the Department, or his official title, in connection with testimonials or advertisement of any commodity or commercial enterprise without the approval of the Police Committee.

7-130 No members shall seek to benefit personally from any confidential information which has come to him by virtue of his assignment.

7-140 Members are forbidden to solicit in any manner the assistance of any group, person or organization for the purpose of influencing or affecting the member status within the Department.

DIVISION VIII - UNIFORM REGULATIONS

8-100 A member assigned to Uniform service shall wear the prescribed uniform of the day when reporting for duty unless otherwise instructed by the Chief of Police.

A. Police Winter Uniform.

1. Regular cap with shield attached or issue helmet.
2. Regular jacket with brass and badge properly displayed. Jacket must be buttoned when in public view.
3. Regular blue shirt.
4. Regular blue tie.
5. Regular trousers.
6. Regular black leather belt, holster, cartridge and handcuff case.
7. Black socks are required unless the member has a physician's excuse.
8. Black military type shoes or boots.

B. Police Summer Uniform.

1. Regular cap with shield attached or issue helmet.
2. Regular blue colored shirt, brass, and badge properly displayed. No tie is to be worn with the short sleeve shirt. A tie will be worn with the long sleeve shirt.
3. Regular trousers.
4. The remainder of the uniform shall conform with the winter uniform.

- 8-110 Ike jackets, white shirts and black tie shall be worn as part of the formal uniform. Formal uniforms shall be worn only when authorized.
- 8-120 A member shall wear insignia of his rank when dressed in uniform.
- 8-130 Members assigned to inside duties will not, while so assigned, be required to wear the cap, jacket or side arm unless otherwise directed. Under this option the badge will be properly displayed on the shirt. Collar brass will not be displayed on the shirt unless summer uniform regulations are in effect. This regulation shall not be construed to contravene any rule or regulation requiring an officer to appear for duty properly uniformed and equipped.
- 8-140 Uniformed members will not be required to wear their caps while patrolling in a car. However, the cap will be worn upon leaving the car.
- 8-150 Uniformed members assigned as a team shall maintain uniformity in their dress when exercising any of the uniform options.
- 8-160 Members shall not wear on their uniforms any insignia, pin, or other device denoting any fraternal organization, association, charitable organization or achievement unless the wearing of such an insignia, pin or device is properly authorized.
- 8-170 Members are prohibited from wearing identifiable parts of their uniform with civilian dress.
- 8-180 Non-uniform members shall be dressed only in acceptable business attire. Attire of male members shall include collar and tie during duty hours.
- 8-190 Every member shall at all times carry his badge and identification card, and shall not refuse to show them when conducting police business unless such an identification would jeopardize him or the success of his police assignment.
- 8-200 A member shall not possess or use a badge or other identification to represent his police status except that which is properly authorized.
- 8-210 Members shall not loan their badge, identification cards, uniforms or any Police Department property for which they are charged to another person.
- 8-220 No member or organization within the Department may issue any identification cards, insignia, or other devices which purport to grant special favors or consideration in regard to police activity without proper authorization.
- 8-230 Every member shall keep his clothing or uniform in good repair, cleaned and pressed, his shoes, belt, holster and other leather parts shined, and metal parts of his uniform polished.
- 8-240 A member may be required to defray the assessed cost of repairing or replacing any Police Department property which has been damaged, or lost due to his carelessness, negligence or abuse.
- 8-250 A uniform replacement shall be made only after the Chief of Police certifies an inspection of the article and approves the replacement order.

8-260 A deceased member may be interred in the Department uniform, but the Chief of Police shall cause to be recovered all remaining equipment furnished by the Department and such articles shall be returned to the Department.

DIVISION IX - USE AND CARE OF VEHICLES AND EQUIPMENT

9-100 A member shall operate a Department vehicle carefully and according to the laws and ordinances of the State of Illinois and the Village of Caseyville, Illinois. He shall park his vehicle in such a fashion as to cause the least interference with traffic flow, except when an emergency requires otherwise.

9-110 Only police vehicles equipped with a siren and one or more red lights shall be operated as emergency vehicles.

9-120 Use of red lights and siren is authorized on the following calls. It is not mandatory to use them if distance and other safety factors involved make their use impractical.

- A. Assist the officer (when in trouble).
- B. When in direct pursuit of a person known to have or suspected of having committed a felony or misdemeanor.
- C. Holdup – shooting involved.
- D. Make an investigation (on the street, sidewalk, inside, etc.).
- E. Make an investigation, ambulance on the way.
- F. Cutting, stabbing or shooting when ambulance is on the way.
- G. Disturbance (weapon involved).
- H. Fire Department or resuscitator has been ordered.
- I. Traffic accident of pedestrian or reported injuries.
- J. Explosion, bombing, riot or any call of a major disaster.
- K. Investigate the trouble, exact nature unknown.
- L. Gang fight.
- M. When assigned to parade, dignitary and other escort service approved by the Chief of Police.
- N. Emergency escorts (notify the dispatcher). Departmental directives to be followed in this event.
- O. Meet the officer at once.

9-130 All accidents involving Department equipment shall be reviewed by the Chief of Police and Police Committee.

9-140 Whenever a member assumes responsibility for a vehicle, he shall be held accountable for damages or missing equipment unless he makes a report of the condition at that time or unless a report describing the damage or loss is already on file.

9-150 A member shall be charged with the custody, care and cleanliness and presence of all equipment assigned to the police vehicle for which he is responsible. Police vehicles and equipment in or on police vehicles shall not be modified, supplemented or discarded without proper authorization.

9-160 Each member shall be required to keep the vehicle he is charged with clean and cause it to be lubricated and serviced in accordance with the existing Department procedures. Each member should see that the vehicle is kept in good running condition.

- 9-170 Members shall not transport unauthorized non-members in police vehicles unless such transportation is necessary in the line of duty.
- 9-180 A member shall not permit any person to remain in a police building or vehicle unless the person's presence is required to conduct official business.
- 9-190 Members shall not, except in case of a felony or emergency, use a privately owned vehicle for police purpose without the permission of the Chief of Police and Police Committee.
- 9-200 Police vehicles will not be taken from the Village limits except in conjunction with the performance of official business or with the permission of the Chief of Police.
- 9-210 Each officer shall be responsible for the care and proper use of all permanent equipment issued to him.

DIVISION X – DUTIES OF POLICE SERGEANT

- 10-100 A Sergeant shall familiarize himself with administrative policy and execute department objectives within his area of responsibility providing for:
- A. Prevention and suppression of crime.
 - B. Protection of life and property.
 - C. Apprehension and prosecution of offenders.
 - D. Preservation of the peace.
 - E. Enforcement of regulatory measures.
- 10-110 A Sergeant is charged with exacting the proper performance of patrol and other police duties from the personnel in his command.
- 10-120 He shall make himself thoroughly acquainted with the capabilities of his subordinates and impartially report, in writing, to the Police and Fire Board and Police Committee every case of misconduct, incompetence, neglect of duty and serious or repeated violation of the rules and regulations.
- 10-130 He shall exercise authority commensurate with his responsibility.
- 10-140 He shall promptly obey and transmit all legitimate orders, insuring uniform interpretation and full compliance by all personnel.
- 10-150 He shall be diligent in enforcing the observance of high ethical standards in the performance and conduct of personnel under his command.
- 10-160 He shall set an example to all subordinates in sobriety, dignity, courtesy, discretion, skill, diligence and the observance of proper discipline.
- 10-170 He shall be in regulation uniform during his hours of duty.
- 10-180 He shall at all times inform himself of the affairs of the Village and his area of assignment, and be assured that the duties of his subordinates are properly discharged.

- 10-190 He shall make prescribed reports and keep records necessary to the effective and efficient operation of his command.
- 10-200 He shall conduct pre-tour briefings concerning crimes, persons wanted, orders received and other pertinent police information.
- 10-210 He shall examine all reports to insure that they are legible, complete, neat, accurate and properly classified, and shall approve and initial all reports prepared by his subordinates.
- 10-220 He shall be responsible for monies and property received from prisoners and entrusted to his care.
- 10-230 He shall approve or disapprove all suspect arrests, after inquiring into the facts of each case.
- 10-240 He shall notify the Chief of Police of all serious incidents occurring during his tour of duty in the Village or affecting the members assigned thereto in accordance with Department General Orders.
- 10-250 He shall insure civil treatment and protection of the rights of all persons within the scope of his police authority.
- 10-260 He shall support an effective field effort by requiring the expeditious transaction of station business.
- 10-270 He shall make daily inspections of the Village during his tour of duty to observe conditions, efficiency of operations and conformity with regulations and orders, initiating necessary corrective action.
- 10-280 He shall promote fleet and personnel safety within his area of responsibility, exerting every effort toward reduction of hazards and accidents.
- 10-290 He shall exercise general supervision and inspection of all public places within the Village, and cause the laws, ordinances and regulations concerning their operation to be enforced.
- 10-300 He shall supervise and direct subordinates in investigations and in effective case preparation and presentation.
- 10-310 He shall be active in instructing and directing subordinates in techniques for discovery and suppression of illicit traffic in liquor, narcotics, gambling, prostitution and organized crime.
- 10-320 He shall observe and regulate the conduct of juveniles, report conditions conducive to delinquency and lead subordinates in the control of delinquency.
- 10-330 He shall observe development of traffic situations, instructing and directing subordinates in the enforcement of laws and ordinances and in the relief of conditions interfering with the safe and expeditious movement of vehicles.
- 10-340 He shall not have a fixed schedule for meeting the district patrolmen and shall, when practicable, patrol in areas where a unit is out of service.

- 10-350 He shall give his attention to any violation of the law committed in his sight or reported to him.
- 10-360 He shall be responsible for calls radioed to his car when no other car is in service. He shall respond to the dispatcher's call when needed for assistance to another car or for emergency calls only.
- 10-370 He shall respond to all calls which appear to be of major proportion and to fires in those areas where traffic may become congested.
- 10-380 He shall assist the Chief of Police in completing personnel evaluations for all personnel and he shall make recommendations thereto.
- 10-390 In the absence of the Chief of Police, the Sergeant shall be in charge of the officers. He may exercise the option of assigning cars to calls or may handle the calls himself.
- 10-400 Repeated complaints by non-members or members regarding poor performance of duties or any other misconduct of the subordinates of a Sergeant shall render that Sergeant liable to a charge of neglect of duty if he has not previously brought this to the attention of the Chief of Police.

DIVISION XI - DUTIES OF PATROLMEN

- 11-100 An officer assigned to a patrol area shall be responsible within the boundaries of that area for:
- A. Prevention of crime.
 - B. Protection of life and property.
 - C. Suppression of criminal activity.
 - D. Apprehension and prosecution of offenders.
 - E. Traffic control.
 - F. Preservation of the public peace.
 - G. Rendering assistance to those requiring it.
- 11-110 He shall thoroughly familiarize himself with the geography and character of his patrol area.
- 11-120 He shall make himself thoroughly familiar with the Village including the routes of bus lines, the location of streets and highways, prominent office and other important buildings, transportation centers, important industrial areas and other information that will enable him to render help, information and assistance when requested.
- 11-130 He shall render prompt and adequate assistance to all sick, injured or destitute persons.
- 11-140 He shall inspect every part of his patrol area as often as possible and by his vigilance and activity render it difficult for anyone to commit crime therein.
- 11-150 He shall always be alert and observant and continually on the lookout for stolen autos, property or persons wanted.

- 11-160 He shall learn the time and routes of transfer of money by business people and shall as far as he is able provide protection during such transfers.
- 11-170 He shall see that the sidewalks and streets corners are not obstructed by persons loitering thereon.
- 11-180 He shall be alert to the development of conditions tending to cause crime, take preventive action and inform his superior. He shall inform the public of conditions which they can correct to prevent crime.
- 11-190 He shall be alert to the development of group tensions of all kinds, notify his superiors and prevent any disorder.
- 11-200 He shall seek to prevent juvenile delinquency and correct and report conditions conducive to delinquency.
- 11-210 When detailed to the location of any assemblage of people, he shall prevent disorder, damage to property or injury to persons. He shall assist in establishing and maintaining limits.
- 11-220 He shall ascertain the purpose of any person seen going from door to door or accosting people on the street within his district. If such a person is found to be begging or asking for alms in a public place, he shall arrest such person as a vagrant.
- 11-230 He shall learn the names, residences, automobile descriptions, license numbers and occupations of all suspicious persons and persons of known bad character, and he shall particularly note their movements, habits, associations and the premises they enter or frequent. He shall accurately enter all such information on his activity log and report it to the proper authority.
- 11-240 He shall periodically check all school buildings in his district to prevent vandalism, theft and unauthorized loitering on or about the premises.
- 11-250 He shall determine the security of business places after their normal working hours. He shall inspect buildings and houses reported unoccupied to see that they are secure. If any evidence of tampering or entry is found, he shall immediately summon aid to search the premises.
- 11-260 He shall not have in his possession without the knowledge and consent of the Chief of Police a key to any premises upon or near his district.
- 11-270 He shall inspect places or activities requiring permits or licenses and shall take appropriate action in all instances where necessary authority has not been procured.
- 11-280 He shall supervise and inspect all public and licensed places within his area of responsibility and enforce the laws, ordinances and regulations concerning their operation.
- 11-290 He shall not interfere officiously or unnecessarily in the private business of any person.
- 11-300 He shall discover, suppress and report illicit traffic in liquor, gambling, narcotics and prostitution.

- 11-310 He shall enforce traffic laws and ordinances and eliminate conditions interfering with the safe and expeditious movement of vehicles and pedestrians. He shall be alert to the need of improvement in traffic control and report defective traffic controls, signs, signals and devices.
- 11-320 The officer shall acquire and record information concerning police matters that have taken place since his last briefing.
- 11-330 He shall maintain a permanent notebook in which he shall enter all pickups, issued by this Department, and other information pertinent to his police activity. Extraneous information shall not be entered in this notebook nor shall erasures be made nor pages torn out. Cancellation and errors shall be marked through. This notebook shall be subject to inspection at any time.
- 11-340 The officer shall communicate to his superiors and to co-workers all information he may obtain which is pertinent to the achievement of Department objectives.
- 11-350 He shall maintain a daily activity log in which he shall properly enter all information relative to the performance of his duties.
- 11-360 He shall make reports of crime, traffic accidents and other incidents in conformity with Department procedure.
- 11-370 He shall conduct a thorough investigation of all offenses within his area of assignment and scope of activity.
- 11-380 He shall be accountable for the securing, receipt and proper transporting of all evidence and property coming into his custody.
- 11-390 He shall ensure human treatment and other civil rights of all persons under his control.
- 11-400 He shall exert every effort to satisfy the needs of citizens requiring service, assistance or information and courteously explain any instances where jurisdiction does not rest with the police agency, suggesting procedures to be followed.
- 11-410 Repeated failure to detect crime, cope with traffic conditions or prevent repetition of disorder by appropriate action within his area of assignment shall be prima facie evidence of negligence.
- 11-420 The officer shall note his time of arrival at a crime scene and take adequate measures to isolate and protect the crime scene from any disturbance by participants, bystanders or other police officers not authorized to process the scene.
- 11-430 He shall obtain the names of persons at the scene who may be able to furnish information regarding the crime and request them to remain to give such information.
- 11-440 The officer is solely responsible for the preservation of evidence at the crime scene until the arrival of investigating officers. In the event another officer of higher authority directs the officer in his activities at the crime scene, that other officer shall thereafter assume full responsibility for the preservation of evidence at the crime scene.
- 11-450 The first officer at the scene of a crime in which death appears imminent to a victim shall enter verbatim into his notebook any statement or declaration the victim makes. The

officer then asks the victim if he believes he will die, entering his response in the notebook.

- 11-460 Any officer at a crime scene shall enter verbatim into his notebook any spontaneous or utterances of persons witnessing or participating in the event being investigated.
- 11-470 He shall by study and research become familiar with advanced techniques and ideas designed to improve police service.
- 11-480 Officers will notify the dispatcher before leaving the police vehicle for any reason and will state the reason.

DIVISION XII - DUTIES OF CHIEF OF POLICE

- 12-100 The Chief of Police shall be in regulation uniform during his hours of duty.
- 12-110 He shall be responsible for monies and property received from prisoners and entrusted to his care.
- 12-120 He shall make prescribed reports and keep records necessary to the effective and efficient operation of his command.
- 12-130 He shall make a daily report on the function of the police department, which includes listing the personnel on duty each day and an outline of the days events.
- 12-140 He shall give his attention to any violation of the law committed in his sight or reported to him.
- 12-150 He shall be responsible for calls radioed to his car when no other car is in service. He shall respond to the dispatcher's call when needed for assistance to another car or for emergency calls only.
- 12-160 He shall complete personnel evaluations for all personnel and he shall make recommendations thereto.
- 12-170 Repeated complaints by non-members or members regarding poor performance of duties or any other misconduct of the subordinates of the Chief shall render that Chief liable to a charge of neglect of duty if he has not previously brought this to the attention of the Police Committee.
- 12-180 The Chief of Police will notify the dispatcher before leaving the police vehicle for any reason and will state the reason.
- 12-190 He shall make himself thoroughly acquainted with the capabilities of his subordinates and impartially report, in writing, to the Police and Fire Board and Police Committee every case of misconduct, incompetence, neglect of duty and serious or repeated violation of the rules and regulations.
- 12-200 He shall exercise authority commensurate with his responsibility.

12-210 He shall promptly obey and transmit all legitimate orders, insuring uniform interpretation and full compliance by all personnel.

12-220 The Chief of Police shall be responsible and accountable for all equipment issued to the Police Department.

(Ord. No. 537)

ADDENDUM "B"

MUTUAL AID BOX ALARM SYSTEM AGREEMENT

This Agreement made and entered into the date set forth next to the signature of the respective parties, by and between the units of local government subscribed hereto (hereafter "Unit(s)") that have approved this Agreement and adopted same in manner as provided by law and are hereafter listed at the end of this Agreement.

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and,

WHEREAS, the "Intergovernmental Cooperation Act", 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government including a unit of local government from another state; and,

WHEREAS, the parties hereto are units of local government as defined by the constitution of the State of Illinois and the Intergovernmental Cooperation Act and Village of Caseyville is a municipality as defined in Section 66.30(i) of the Wisconsin Statutes; and

WHEREAS, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and,

WHEREAS, the parties hereto have determined that it is in their best interests to enter into this Agreement to secure to each the benefits of mutual aid in fire protection, firefighting and the protection of life and property from an emergency or disaster; and,

WHEREAS, the parties hereto have determine that it is in their best interests to form an association to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster.

NOW, THEREFORE, in consideration of the foregoing recitals, the Unit's membership in the Mutual Aid Box Alarm System and the covenants contained herein, **THE PARTIES HERETO AGREE AS FOLLOWS:**

SECTION ONE - PURPOSE

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

SECTION TWO – DEFINITIONS

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

A. "Mutual Aid Box Alarm System" (hereinafter referred to as "MABAS"). A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time.

B. "Member Unit". A unit of local government including but not limited to a city, village or fire protection district having a fire department recognized by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS.

C. "Stricken Unit". A Member Unit which requests aid in the event of an emergency.

D. "Aiding Unit". A Member Unit furnishing equipment, personnel, and/or services to a Stricken Unit.

E. "Emergency". An occurrence or condition in a Member Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Stricken Unit and such that a Member Unit determines the necessity and advisability of requesting aid.

F. "Division". The geographically associated Member Units or unit which have been grouped for operational efficiency and representation of those Member Units.

G. "Training". The regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS.

H. "Executive Board". The governing body of MABAS comprised of Division representatives.

SECTION THREE – AUTHORITY AND ACTION TO EFFECT MUTUAL AID

A. The Member Units hereby authorize and direct their respective Fire Chief or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Fire Chief, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.

B. Whenever an emergency occurs and conditions are such that the Fire Chief, or his designee, of the Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.

C. The Fire Chief, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:

1. Determine what equipment, personnel and/or services is requested according to the system maintained by MABAS;
2. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit;
3. Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Stricken Unit in accordance with the procedures of MABAS;
4. Notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

SECTION FOUR - JURISDICTION OVER PERSONNEL AND EQUIPMENT

Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Fire Chief or Senior Officer of the Stricken Unit. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Fire Chief or his designee; provided, however, that the party withdrawing such aid shall notify the Fire Chief or Senior Officer of the party requesting aid of the withdrawal of such aid and the extent of such withdrawal.

SECTION FIVE – COMPENSATION FOR AID

Equipment, personnel, and/or services provided to this Agreement shall be at no charge to the party requesting aid for the first **eight (8) consecutive hours** of aid provided to the Stricken Unit; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Day to day mutual aid should remain free of charge and the administrative requirements of reimbursement make it unfeasible to charge for day-to-day mutual aid. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

Any Aiding Unit is empowered to and may charge a Stricken Unit for reimbursement for costs of equipment, personnel, and/or services provided under this Agreement for terms of more than **eight (8) consecutive hours** under the following terms and conditions:

A. The amount of charge assessed by an Aiding Unit to a Stricken Unit may not exceed the amount necessary to make the Aiding Unit whole and should only include costs that are non-routine in nature.

B. The Aiding Unit must assess no more the "usual and customary" charges for personnel costs pursuant to a collective bargaining agreement, benefit ordinance or compensation policy.

C. The fee structure for apparatus and equipment shall be based on FEMA or OSFM rate schedules. If a particular piece of apparatus or equipment is not listed within the FEMA/OSFM rate schedules, a market rate for reimbursement shall be established.

D. In no event shall the amount assessed by an Aiding Unit to a Stricken Unit exceed the amount of fees permitted to be assessed under Illinois law.

E. Aiding Units must invoice the Stricken Unit within **thirty (30) days** after the completion of the emergency. Once **thirty (30) days** pass, the aid shall be considered to be a donation of service.

F. Mutual Aid and assessing costs for mutual aid cannot in any way be conditioned upon any declaration of a federal disaster.

Member Units are encouraged to consider the adoption of internal policies establishing procedures for cost reimbursement on MABAS mobilizations pursuant to established MABAS procedures for collection and submission of funds.

(Ord. No. 1518; 12-02-15)

SECTION SIX - INSURANCE

Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of \$1,000,000 auto and \$1,000,000 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the Section may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.

SECTION SEVEN - INDEMNIFICATION

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

Each party requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement. Provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

SECTION EIGHT – NON-LIABILITY FOR FAILURE TO RENDER AID

The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond; however, failure to immediately notify the Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

SECTION NINE - TERM

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one year terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the Board of their Division and to the Executive Board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

SECTION TEN - EFFECTIVENESS

This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

SECTION ELEVEN – BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto; and this Agreement shall not be assigned by MABAS without prior written consent of the parties hereto.

SECTION TWELVE - VALIDITY

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

SECTION THIRTEEN - NOTICES

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

SECTION FOURTEEN – GOVERNING LAW

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

SECTION FIFTEEN – EXECUTION IN COUNTERPARTS

This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

SECTION SIXTEEN – EXECUTIVE BOARD OF MABAS

An Executive Board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The Executive Board shall consist of a member elected from each Division within MABAS who shall serve as the voting representative of said Division on MABAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective division and shall have all rights and privileges attendant to a representative of that Member Unit.

A President and Vice President shall be elected from the representatives of the Member Units and shall serve without compensation. The President and such other officers as are provided for in the by-laws shall coordinate the activities of the MABAS.

SECTION SEVENTEEN – DUTIES OF THE EXECUTIVE BOARD

The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures and by-laws of the MABAS, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

SECTION EIGHTEEN – RULES AND PROCEDURES

Rules, procedures and by-laws of the MABAS shall be established by the Member Units via the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the MABAS.

SECTION NINETEEN - AMENDMENTS

This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures and by-laws of the MABAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to, and approves this Mutual Aid Box Alarm System Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

(Ord. No. 990; 02-16-05)

ADDENDUM "C"

MABAS: BY-LAWS

May 1, 1989

Rev. 1: March, 1997

Declaration

Henceforth, this organization shall be known as the Madison County Fire Chiefs Association.

Article 1

Section 1. This organization, herein described as the Madison County Fire Chiefs Association is an Illinois based not-for-profit fraternal organization, whose mission is to work for the betterment of the Fire Service in Madison County and all departments therein.

Section 2. This association shall represent all member Fire Chiefs, retired Chiefs, and Chief Fire Officers in the Madison County area.

Article 2 - Association Purpose and Intent

Section 1. The purpose of this organization shall be to provide a forum in which Chief Fire Officers and other officer members of Fire Departments and Fire Protection Districts in Madison County may discuss matters of mutual interest, and to provide a channel for concerted actions in the cause of common goals. Said actions shall be those which further the efforts of the fire service, improve efficiency, promote good will among mutual aid companies, encourage mutual aid training, outline jurisdictional boundaries, establish joint bidding processes, and the general sharing of information to promote more effective fire prevention and timely fire suppression through education, legislation, and technical means.

Section 2. Said organization shall accept and receive funds, grants, donations, and contributions, and expend these funds to encourage and develop fire service materials, classes, seminars, and programs for the betterment of all concerned county wide.

Article 3 - Membership

Section 1. There shall be three classes of membership within the organization: Active, Associate, and Honorary.

Section 2. *Active Members* – shall be comprised of Chiefs and Chief Officers of regularly organized fire departments either municipal, district, or private industrial operated.

Section 3. *Associate Members* – shall be any person or firm whose purpose or interests are in the protection of life and property from fire, or the advancement of the Fire Service. No one eligible for active membership may apply for associate membership. Associate members shall be entitled to participate fully in the affairs of the association, serve on committees, act as delegate, representative, or correspondent, but shall not be eligible to hold office nor have voting privileges.

Section 4. *Honorary Members* – for the purpose of these by-laws shall be:

1. Any person who has been an active member of this organization who may retire as an active member.

2. Any person who has rendered conspicuous service to this organization or to the Fire Service of this county for the betterment of all concerned.

Those desiring honorary membership must make application in writing to the Chairman and Board, and shall be subject to their approval. Honorary members shall be entitled to participate fully in the affairs of the association, but shall not be eligible to hold office nor have voting privileges.

Article 4 - Officers

Section 1. Only active members in good standing shall be eligible to hold office within the Association.

Section 2. The elected officers of the Association shall be: Chairman, Vice-Chairman, and Secretary-Treasurer. Officers shall be elected at the March business meeting of the association, for a term of **one (1) year**. They shall assume office the day following the business meeting when they are elected and shall preside over the next regular business meeting. These three officers shall constitute the Board of Officers for the Association. In the event that any elected office becomes vacant for any reason, the remaining two members of the Board shall conduct an election of the full body at the next business meeting to fill that office's remaining term.

Section 3. The following procedures shall govern the election of officers to be held at the March meeting. Nomination for Chairman, Vice-Chairman, and Secretary-Treasurer will be accepted at the February meeting. Ballots will be sent to each department in good standing after that meeting and must be returned to the Secretary-Treasurer at the business meeting in March. Each department in good standing, present and voting, shall be entitled to cast one vote for each office. There will be no proxy voting, except on official ballots.

Article 5 - Board of Directors and Committees

Section 1. The *Board of Directors* shall consist of the Chairman, Vice-Chairman, and the Secretary-Treasurer duly elected by a simple majority of members in good standing.

Section 2. *Committees* shall consist of at least one member from the Board and those members volunteered or selected to serve, except for the BY-LAWS Committee which shall include all Board members and two other members in good standing. Each committee shall hold a Chairman who shall speak for the entire committee.

Section 3. *BY-LAWS Committee* shall determine any questions that may arise under them and their determination and decision shall be final.

Section 4. The Board shall appoint committee members for the work of the association as may be necessary or convenient to progress with the aims of the organization. Associate and Honorary members appointed to committees shall have voting privileges equal to all such members serving on said committee.

Section 5. From time to time, the Board, at a regular business meeting may appoint a Special Interest Committee to initiate and execute specific projects, programs, or activities that the association may undertake. A Special Interest Committee may operate without the participation of a member of the Board, but only toward the intent and goal as set forth by a majority of the entire body.

Section 6. Committees shall actively work for and on behalf of the entire membership. To that end, the Chairman of said committee shall speak for that committee, and that committee shall speak for the general membership.

Section 7. Meetings of Committees shall be held with such frequency as the members deem necessary. Committee members shall be notified by committee chairmen in sufficient advance so as to allow proper participation by all members.

Article 6 - Meetings

Section 1. There shall be one monthly meeting to be held on the first Thursday of each month, at that month's host departments station.

Section 2. Special meetings or conferences may be called for by the Board or a simple majority of the members present at a regular business meeting. Time and place shall be set by present members and information entered into the minutes of the regular business meeting to give ample time for those not present to respond or make personnel arrangements to attend.

Section 3. At all meetings, one fourth of the active departments in good standing shall constitute a quorum for the purpose of voting. Each department in good standing present shall be entitled to one vote on all matters submitted to a vote. There shall be no voting by proxy.

Section 4. Order of business to be accomplished at all meetings shall be set by agenda of the Chairman. Any member wishing to address other business shall contact the Chairman and an agenda item be added or submit item under new or old business. Parliamentary procedures shall be followed.

Section 5. Members shall have the right to request date, time, and place for meetings or conferences of Business or Committee and receive the same within **five (5) days** of said request.

Article 7

Section 1. The Chairman shall preside at all meetings and shall serve as general representative for the entire Association. He shall speak on behalf of the Association to the public, to municipal corporations, units of and representatives of government, and to other organizations who may conduct business with the Association.

Section 2. The Vice-Chairman shall assist the Chairman as general representative and shall assume the duties of same in the event the Chairman is absent or incapacitated. In the absence of the Chairman he shall preside at business meetings.

Section 3. The Secretary-Treasurer shall assist the Chairman and the Vice-Chairman and assume their duties in their absence. He shall further keep minutes and records of all meetings, collect ballots for elections, receive and disburse any and all funds, and prepare notices of meetings or seminars for the general membership.

Article 8 - Finances

Section 1. Finances shall be collected from fees and dues as set by approval of the entire membership, voted on by ballot at a prescribed meeting, special assessments as voted upon by the membership, collections received over and above the operating expenses for activities such as

conferences. Finances may also be in the form of contributions from outside sources as the Board deems proper to accept.

Section 2. Annual dues for membership shall be as follows:

1. Active Members - \$25.00 per department
2. Associate Members - \$25.00
3. Honorary Members - \$10.00

**Note: Dues will be collected starting January 1, 1998.

Article 9

Section 1. The Association shall have full power to amend these by-laws at any business meeting during the year as prescribed in the following manner.

1. Amendments to the by-laws must be submitted in writing for discussion at a regular business meeting.
2. The final form for said amendment shall be sent to each department in good standing.
3. Ballots will be handed out at the next regularly scheduled business meeting to each department in good standing.
4. A majority of those ballots counted by the Secretary-Treasurer shall constitute a change to the by-laws.
5. Said change shall take effect with the next regular business meeting, unless rescinded by another majority vote at or before the next meeting.
6. In any case, no Amendment shall take effect in less than 60 days from its introduction.

ADDENDUM "D"

ESTABLISHING AND IMPLEMENTING A MITIGATION RATE PROGRAM

In responding to emergencies of non-members or non-subscribers (those who haven't been paying their volunteer fire department dues), the volunteer fire protection association may charge up to the following fees:

1. **One Hundred Dollars (\$100.00)** for responding to a fire call or alarm;
2. **Five Hundred Dollars (\$500.00)** for each hour or a proportional sum for each quarter hour spent in combating a fire; plus
3. An amount equal to **one (1) year's** subscription or membership fees. No property owner shall be liable for fees or charges under this subsection if the property owner notifies the volunteer fire protection association (also known as the "Caseyville Fire Department" or "Fire Department") in writing, prior to the occurrence of a fire, not to respond to a fire on his property.
4. Upon payment of the charges and fees set forth in this section, the property owner shall be deemed to be a member or subscriber in good standing until membership or subscriber payments are again due as prescribed by association rules and regulations.

[IL Code 425-70] defined a Volunteer Fire Protection Association and their rights to bill non-members.

FOR ALL OTHER INCIDENTS, THE FOLLOWING RATES APPLY:

MOTOR VEHICLE INCIDENTS

Level 1 - \$435.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

Level 2 - \$495.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. The Fire Department will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 3 – Car Fire - \$605.00

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 4 – \$1,800.00

Includes Level 1 & 2 services as well as extrication (heavy rescue tools, ropes, airbags, cribbing, etc.). The Fire Department will bill at this level if the fire department has to free/remove anyone from the vehicle(s) using any equipment. The Fire Department will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access to patient. This level is to be billed only if equipment is deployed.

Level 5 – \$2,200.00

Includes Levels 1, 2 & 4 services as well as Air Care (multi-engine company response, mutual aid, helicopter). The Fire Department will bill at this level any time a helicopter is utilized to transport the patient(s).

Level 6 – Itemized Response

The Fire Department has the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel plus products and equipment used.

ADDITIONAL TIME ON-SCENE

Engine billed at \$400 per hour.

Truck billed at \$500 per hour.

Miscellaneous equipment billed at \$300.

HAZMAT

Level 1 - \$700.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 - \$2,500.00

Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

Level 3 – \$5,900.00

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean-up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time – **each additional hour @ \$300.00 per HAZMAT team.**

ADDITIONAL TIME ON-SCENE (for all levels of service)

Engine billed at \$400 per hour.

Truck billed at \$500 per hour.

Miscellaneous equipment billed at \$300.

FALSE ALARM BILLING RATES

- A. The first false alarms within **twelve (12) months** in a calendar year is free of charge.
- B. The second (2nd) false alarm in a **twelve (12) month** calendar year is billed at \$100.00.
- C. The third (3rd) false alarm in a **twelve (12) month** calendar year is billed at \$200.00.
- D. The fourth (4th) through sixth (6th) false alarms in a **twelve (12) month** calendar year are billed at \$300.00 per event not exceed \$500.00 per calendar day.

FIRE INVESTIGATION

Fire Investigation Team - \$275.00 per hour*

Includes:

- * Scene Safety
- * Investigation
- * Source Identification
- * K-S/Arson Dog Unit
- * Identification Equipment
- * Mobile Detection Unit
- * Fire Report

The claim begins when the Fire investigator responds to the Incident and is billed for logged time only.

FIRES

Assignment - \$400.00 per hour, per engine/\$\$00.00 per hour, per truck includes:

- * Scene Safety
- * Investigation
- * Fire/Hazard Control

This will be the most common billing level. This occurs almost every time the fire department responds to an incident.

OPTIONAL: The fire department has the option to bill each fire as an independent event with custom mitigation rates.

Itemized, per person, at various pay levels and for itemized products use.

ILLEGAL FIRES

Assignment - \$400.00 per hour, per engine/\$500.00 per hour, per truck

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

WATER INCIDENTS

Level 1

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common billing level. This occurs almost every time the fire department responds to a water incident.

Billed at \$400 plus \$50 per hour, per rescue person.

Level 2

Intermediate Response: Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. The fire department will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Billed at \$800 plus \$50 per hour, per rescue person.

Level 3

Advanced Response: Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up, includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

Billed at \$2,000 plus \$50 per hour, per rescue person, plus \$100 per hour, per HAZMAT team member.

Level 4

Itemized Response: The fire department has the option to bill each Incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

BACK COUNTRY OR SPECIAL RESCUE

Itemized Response: Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

Minimum billed \$400 for the first response vehicle plus \$50 per rescue person. Additional rates of \$400 per hour per response vehicle and \$50 per hour per rescue person.

CHIEF RESPONSE

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

Billed at \$250 per hour.

MISCELLANEOUS/ADDITIONAL TIME ON-SCENE

Engine billed at \$400 per hour.

Truck billed at \$500 per hour.

Miscellaneous equipment billed at \$300.

MITIGATION RATE NOTES

The mitigation rates above are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighters basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

LATE FEES

If the invoice is not paid within 90 days, a Late Charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collections, will be accessed to the responsible party.

SERVICES AGREEMENT

This Services Agreement ("Agreement") is made effective as of _____ 2013 ("Effective Date"), by and between **FIRE RECOVERY USA, LLC**, a California limited liability company ("Company"), and **Caseyville Fire Association**, ("Fire Department"). The Company and Fire Department are referred to herein individually as a "party" and collectively as the "parties".

RECITALS

WHEREAS, Company engages in the business of performing billing services ("Company Services") for United States Fire Departments in connection with the motor vehicle incidents and other emergency incidents at which the fire departments provide emergency services; and

WHEREAS, Fire Department seeks the services of Company to assist with the billing for services that Fire Department provides in connection with motor vehicle incidents and other emergency incidents; and

WHEREAS, Company and Fire Department desire to enter into this Agreement to memorialize their agreements regarding the Company Services to be provided to Fire Department.

NOW, THEREFORE, in consideration of the mutual representations, warranties and covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Company and Fire Department agree as follows:

ARTICLE I – ENGAGEMENT

1.1 Engagement. Fire Department hereby engages Company to provide the Company Services described in Article 4 herein, and Fire Department hereby accepts such engagement, all on the terms and conditions set forth herein. Company will determine the method, detail and means of performing the services detailed below.

ARTICLE 2 – REPRESENTATIONS AND WARRANTIES

2.1 Representations and Warranties of Company. Company hereby represents and warrants to Fire Department that, at all times during the term of this Agreement, Company is a limited liability company duly organized, validly existing and in good standing under the laws of the State of California.

2.2 Representations and Warranties of Fire Department. Fire Department hereby represents and warrants to Company that, at all times during the term of this Agreement, Fire Department is an organized fire department established pursuant to the laws and ordinances of the state in which Fire Department is located.

ARTICLE 3 – COMPANY STATUS AND QUALIFICATIONS

3.1 Independent Contractor. Company enters into this Agreement, and will remain throughout the term of the Agreement as an independent contractor. Company agrees that it will not become an employee, partner, agent or principal of Fire Department while this Agreement is in effect.

3.2 Payment of Income Taxes. Company is responsible for paying when due all income taxes, including estimated taxes, incurred as a result of the compensation paid by Fire Department to Company for services rendered under this Agreement. On request, Company will provide Fire Department with proof of timely payment. Company agrees to indemnify Fire Department for any claims, costs, losses, fees, penalties, interest, or damages suffered by Fire Department resulting from Company's failure to comply with this provision.

3.3 Use of Employees or Subcontractors. Company may, at Company's own expense, use any employees or subcontractors as Company deems necessary to perform the services required of Company by this Agreement. Fire Department may not control, direct, or supervise Company's employees or subcontractors in the performance of those services.

3.4 Qualifications. Company represents that it is qualified and has the skills necessary to perform the services under this Agreement in a competent and professional manner, without the advice or direction of Fire Department.

3.5 Ownership Interest. Company will have no ownership interest in Fire Department.

3.6 No Benefit Contributions. Company shall have no obligation under this Agreement to compensate or pay applicable taxes or provide employee benefits of any kind to any person employed or retained by Fire Department.

3.7 Attorney-in-Fact. Fire Department appoints Company as Fire Department's attorney-in-fact for the following purposes:

A. Billing and Collections. To bill and collect ("Collections") all revenue earned by and due to Fire Department in connection with Fire Department's provision of

emergency services provided/rendered at the sites of motor vehicle incidents and other emergency incidents, and to receive all Collections on Fire Department's behalf and to sue for and give satisfaction for monies due on account and to withdraw any claims, suits, or proceedings pertaining to or arising out of Company's or Fire Department's right to collect such amounts; and

- B. Endorsement. To take possession of and endorse in Fire Department's name any notes, checks, money orders, and any other instruments received as Collections.

ARTICLE 4 – GENERAL RESPONSIBILITIES OF COMPANY

4.1 Minimum Amount of Service. Company agrees to devote as much time and attention to the performance of the Company Services under this Agreement as may be, in Company's sole discretion, required to accomplish the tasks described herein to accomplish the results for which the Company is responsible under this Agreement.

4.2 Company Services. Company agrees to perform the Company Services as set forth in the list of Company Services* attached hereto as Schedule "A" and incorporated herein by reference; including those additional services requested by Fire Department and accepted in writing by the Company during the term of this Agreement.

4.3 Non-Exclusive Relationship. Company may represent, perform services for, and contract with as many additional clients, persons, or companies as Company, in Company's sole discretion, sees fit.

4.4 Time and Place of Performing Work. Company may perform the services under this Agreement at any suitable time and location Company chooses.

4.5 Materials and Equipment. Company will supply all materials and equipment required to perform the services under this Agreement.

4.6 Workers' Compensation. Company agrees to provide workers' compensation insurance for Company and Company's employees and agents and agrees to hold harmless and indemnify Fire Department for any and all claims arising out of any injury, disability, or death of any of Company's employees or agents.

4.7 Assignment. Neither this Agreement nor any duties or obligations under this Agreement may be assigned by Company without the prior written consent of Fire Department, which consent shall not be unreasonably withheld.

ARTICLE 5 – COMPENSATION OF COMPANY

5.1 Compensation for Company Services. All Company Services provided pursuant to this Agreement will be provided in accordance with the terms, including compensation amounts and schedule of remittance, set forth in the "List of Company Services," attached hereto as Schedule A.

5.2 The provisions of Article 11 of this Agreement will govern any dispute associated with compensation.

ARTICLE 6 – OBLIGATIONS OF FIRE DEPARTMENT

6.1 Cooperation of Fire Department. The Fire Department agrees to comply with all reasonable requests of Company and provide access to all documents reasonably necessary to the performance of Company's duties under this Agreement. The Fire Department shall be responsible for initially insuring and continuing to review, local and state laws in the Fire Department's jurisdiction to assure adequate legal authority for Company to engage in the Services described herein on behalf of Fire Department.

6.2 Assignment. Neither this Agreement nor any duties or obligations under this Agreement may be assigned by Fire Department without the prior written consent of Company, which consent shall not be unreasonably withheld.

ARTICLE 7 – FIRE DEPARTMENT AUTHORIZATION

7.1 Authorization. Notwithstanding other provisions of this Agreement, Company shall obtain authorization from Fire Department prior to performing any of the following:

- A. The sale conveyance, transfer, pledge exchange, assignment, hypothecation, or encumbrance of Fire Department's interest in any sums owed to Fire Department; and
- B. The sale conveyance, transfer, pledge exchange, assignment, hypothecation, or encumbrance of Fire Department's interest in any sums owed to Fire Department; and

ARTICLE 8 – TERMINATION OF AGREEMENT

8.1 Termination on Notice. Notwithstanding any other provision of this Agreement, either party may terminate this Agreement at any time by giving **thirty (30) days** written notice to the other party. Unless earlier terminated as set forth below, this Agreement shall be effective as of the date first set out above and shall continue for a period of **one (1) year** thereafter. This Agreement shall automatically renew for successive **one (1) year** periods, unless either party provides written notification to the other party of its decision not to renew this Agreement.

8.2 Termination on Occurrence of Stated Events. This Agreement will terminate automatically on the occurrence of any of the following events:

- A. Bankruptcy or insolvency of either party;
- B. The assignment of this Agreement by either party, without the consent of the other party; the parties agree that neither party will unreasonably withhold consent to such an assignment.

8.3 Termination for Default. If either party defaults in the performance of this Agreement or materially breaches any of its provisions, the non-breaching party may terminate this Agreement by giving written notification to the breaching party. Termination will take effect immediately on receipt of notice by the breaching party or **five (5) days** after mailing of notice, whichever occurs first. For the purposes of this paragraph, material breach of this Agreement includes, but is not limited to, the following:

- A. Company's failure to complete the services specified in the Description of Services;
- B. Fire Department's material breach of any representation, warranty or agreement contained in this Agreement;
- C. Company's material breach of any representation, warrant or agreement contained in this Agreement;
- D. Fire Department's yearly billable run volume is at or below **six (6) runs**.

ARTICLE 9 – PROPRIETARY RIGHTS

9.1 Confidential Information. Any written, printed, graphic, or electronically or magnetically recorded information furnished by Fire Department for Company's use are the sole property of Fire Department. This proprietary information includes, but is not limited to, customer requirements, customer lists, marketing information, and information concerning the Fire Department's employees, products, services, prices, operations, and subsidiaries. Company will keep this confidential information in the strictest confidence, and will not disclose it by any means to any person except with the Fire Department's approval, and only to the extent necessary to perform the services under this Agreement. This prohibition also applies to company's employees, agents, and subcontractors. On termination of this Agreement, Company will return any confidential information in Company's possession to Fire Department.

9.2 Confidential Information. Any written, printed, graphic, electronically or magnetically recorded information, computer-based hardware, software, applications, software scripts, or software links furnished by Company for Fire Department use are the sole property of Company. This proprietary

information includes, but is not limited to, customer requirements, customer lists, marketing information, and information concerning the Company's employees, products, services, prices, operations, and subsidiaries. Fire Department will keep this confidential information in the strictest confidence, and will not disclose it by any means to any person except with the Company's approval, and only to the extent necessary to perform the services under this Agreement. This prohibition also applies to Fire Department's employees, agents, and subcontractors. On termination of this Agreement, Fire Department will return any confidential information in Fire Department's possession to Company.

ARTICLE 10 – INDEMNIFICATION

10.1 Indemnification. To the extent permitted by applicable law, the Company will indemnify and hold the Fire Department harmless from and against any and all loss, damage, liability, claims and/or injury resulting from all actions performed by the Company, or its agents on the Company's behalf, in connection with this Agreement. However, this indemnification shall not apply with respect to any legal cause, action or consequential liability or losses as a result from inaccurate or incomplete information or unfounded or unreasonable submissions furnished to the Company by the Fire Department nor shall it apply to any act, omission or negligence of the Fire Department.

ARTICLE 11 – GENERAL PROVISIONS

11.1 Governing Law. This Agreement shall be governed in all respects by the laws of the State of Illinois without giving effect to any choice or conflict of law provision or rule (whether of the State of Illinois or any other jurisdiction that would cause the application of the laws of any jurisdiction other than the State of Illinois).

11.2 Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreement, representations, and understanding of the parties.

11.3 Successors and Assigns. Except as otherwise provided, herein, the provisions hereof shall inure to the benefit of, and be binding upon, the successors, assigns, heirs, executors and administrators of the parties hereto. No party may assign any of its rights or obligations hereunder without the express written consent of the other party hereto, which consent may not be unreasonably withheld; provided, however, any party may assign any and all of its rights and interests hereunder to one or more of its affiliates and designate one or more of its affiliates to perform its obligations hereunder; provided, however, that such party remains liable for full and total performance of its obligations hereunder.

11.4 Notices. Any notices authorized to be given hereunder shall be in writing and deemed given, if delivered personally or by overnight courier, on the date of delivery, if a Business Day, or if not a business day, on the first Business Day following delivery, or if mailed, **three (3) days** after mailing by registered or certified mail, return receipt requested, and in each case, addressed, as follows:

If to the Company to:
Fire Recovery USA, LUC
2271 Lava Ridge Court, Suite 120
Roseville, CA 95661
Attention: Craig Nagter

with a copy to:
The Watkins Firm, APC
4275 Executive Square, Suite 1020
La Jolla, CA 92037
Attention: Chris Popov, Esq.

If to Fire Department to:

Attention: _____

with a copy to:

Attention: _____

Or, if delivered by telecopy, on a Business Day before 4:00 P.M. local time of addressee, on transmission confirmed electronically, or if at any other time or day on the first Business Day succeeding transmission confirmed electronically, to the facsimile numbers provided above, or to such other address or telecopy number as any party shall specify to the other, pursuant to the foregoing notice provisions. When used in this Agreement, the term "Business Day" shall mean, a day other than a Saturday, Sunday or a Federal Holiday.

11.5 Waiver Amendments. This Agreement, and the Transaction Documents, (i) set forth the entire, agreement of the parties respecting the subject matter hereof, (ii) supersede any prior and contemporaneous understandings, agreements, or representations by or among the parties, written or oral, to the extent they related in any way to the subject matter hereof, and (iii) may not be amended orally, and no right or obligation of any party may be altered, except as expressly set forth in a writing signed by such party.

11.6 Counterparts. This Agreement may be signed in several counterparts.

11.7 Expenses. Each party shall bear its own expenses incurred with respect to the preparation of this Agreement and the consummation of the transactions contemplated hereby.

11.8 Arbitration.

A. If at any time there shall be a dispute arising out of or relating to any provision of this Agreement, any Transaction Document or any agreement contemplated hereby or thereby, such dispute shall be submitted for binding and final determination by arbitration in accordance with the regulations then obtaining of the American Arbitration Association. Judgment upon the award rendered by the arbitrator(s) resulting from such arbitration shall be in writing, and shall be final and binding upon all involved parties. The site of any arbitration shall be a site agreed to by all parties and the arbitration decision can be enforced in a "court of competent jurisdiction".

B. This arbitration clause shall survive the termination of this Agreement, any Transaction Document and any agreement contemplated hereby or thereby.

11.9 Waiver of Jury Trial; Exemplary Damages. The parties hereto hereby waive their rights to trial by jury with respect to any dispute arising under this agreement or any transaction document. No party shall be awarded punitive or other exemplary damages respecting any dispute arising under this agreement or any transaction document contemplated hereby.

11.10 Cooperative Purchases. This Agreement may be used by other government agencies. Company has agreed to offer similar services to other agencies under the same or similar terms and conditions as stated herein except that the revenue share percentage (compensation) may be negotiated between the Company and other agencies based on the specific revenue expectations, agency reimbursed costs, and other agency requirements. The City/County/or Fire Department/Protection District will in no way whatsoever incur any liability in relation to specifications, delivery, payment, or any other aspect of purchase by other agencies.

STREET REGULATIONS

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	DEPARTMENT ESTABLISHED	
	Section 33-1-1 - Department Established	33-1
	Section 33-1-2 - Committee on Public Works	33-1
II	GENERAL REGULATIONS	
	Section 33-2-1 - Undermining	33-1
	Section 33-2-2 - Open Doors	33-1
	Section 33-2-3 - Repairing Sidewalks, Etc.	33-1
	Section 33-2-4 - Stairway – Railing	33-1
	Section 33-2-5 - Closing Street	33-2
	Section 33-2-6 - Signs Across Street	33-2
	Section 33-2-7 - Vehicles and Skateboards on Sidewalks	33-2
	Section 33-2-8 - Deposits on Sidewalks and Streets	33-2
	Section 33-2-9 - Obstructing Street	33-2
	Section 33-2-10 - Rainwater Drains	33-2
	Section 33-2-11 - Building Materials in Street	33-3
	Section 33-2-12 - Merchandise on Public Street	33-3
	Section 33-2-13 - Encroachments	33-3
	Section 33-2-14 - Posting Bills	33-3
	Section 33-2-15 - Signs on Poles	33-3
	Section 33-2-16 - Injury to New Pavements	33-3
	Section 33-2-17 - Barbed-Wire Fences	33-4
	Section 33-2-18 - Burning on Public Streets	33-4
	Section 33-2-19 - Grass Mowing	33-4
	Section 33-2-20 - House Numbering Required	33-4
	Section 33-2-21 - Discharging Polluting Substances	33-4
III	TREES AND SHRUBS	
	Section 33-3-1 - Planting	33-5
	Section 33-3-2 - Planting Trees in Right-of-Way	33-5
	Section 33-3-3 - Removal	33-5
	Section 33-3-4 - Injury	33-5
	Section 33-3-5 - Advertisements or Notices	33-5
	Section 33-3-6 - Dangerous Trees	33-5
	Section 33-3-7 - Wires	33-5
	Section 33-3-8 - Gas Pipes	33-5
IV	CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHT-OF-WAY	
	Section 33-4-1 - Purpose and Scope	33-6
	Section 33-4-2 - Definitions	33-7
	Section 33-4-3 - Annual Registration Required	33-10
	Section 33-4-4 - Permit Required; Applications and Fees	33-11
	Section 33-4-5 - Action on Permit Applications	33-13
	Section 33-4-6 - Effect of Permit	33-14
	Section 33-4-7 - Revised Permit Drawings	33-14
	Section 33-4-8 - Insurance	33-14

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IV	CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHT-OF-WAY (CONT'D.)	
	Section 33-4-9 - Indemnification	33-16
	Section 33-4-10 - Security	33-16
	Section 33-4-11 - Permit Suspension and Revocation	33-18
	Section 33-4-12 - Change of Ownership or Owner's Identity or Legal Status	33-19
	Section 33-4-13 - General Construction Standards	33-19
	Section 33-4-14 - Traffic Control	33-20
	Section 33-4-15 - Location of Facilities	33-20
	Section 33-4-16 - Construction Methods and Materials	33-23
	Section 33-4-17 - Vegetation Control	33-29
	Section 33-4-18 - Removal, Relocation, or Modification of Utility Facilities	33-30
	Section 33-4-19 - Cleanup and Restoration	33-30
	Section 33-4-20 - Maintenance and Emergency Maintenance	33-31
	Section 33-4-21 - Variances	33-31
	Section 33-4-22 - Penalties	33-32
	Section 33-4-23 - Enforcement	33-32
	Section 33-4-24 - Severability	33-32
V	STREET IMPROVEMENTS	
	Section 33-5-1 - Sidewalks	33-33
	Section 33-5-2 - Curbs and Gutters	33-33
	Section 33-5-3 - Storm Sewers	33-33
VI	CULVERTS	
	Section 33-6-1 - Obstruction of Drain or Storm Sewer	33-35
	Section 33-6-2 - Permit for Culvert	33-35
	Section 33-6-3 - Application for Permit	33-35
	Section 33-6-4 - Termination of Permit	33-35
	Section 33-6-5 - Type of Culvert	33-35
	Section 33-6-6 - Cost of Installation	33-35
	Section 33-6-7 - Backfill Cost	33-35
	Section 33-6-8 - Replacement Cost	33-35
VII	DRIVEWAYS	
	Section 33-7-1 - Permit Required	33-36
	Section 33-7-2 - Fee	33-36
	Section 33-7-3 - Grade Surface	33-36
	Section 33-7-4 - Specifications	33-36
	Section 33-7-5 - Breaking Curb - Bond Required	33-36
	Section 33-7-6 - Repair	33-36
VIII	SNOW REMOVAL	
	Section 33-8-1 - Definitions	33-37
	Section 33-8-2 - Snow and Ice to be Removed From Sidewalks by Private Persons	33-37

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
VIII	SNOW REMOVAL (CONTINUED)	
	Section 33-8-3 - Depositing of Snow and Ice Restricted	33-37
	Section 33-8-4 - Mayor's Authority	33-37
IX	MOVING BUILDINGS	
	Section 33-9-1 - Permit Required	33-38
	Section 33-9-2 - Application for Permit	33-38
	Section 33-9-3 - Investigation	33-38
	Section 33-9-4 - Denial of Permit	33-38
	Section 33-9-5 - Terms and Conditions of Permit	33-39
	Section 33-9-6 - Estimate of Cost and Deposit	33-39
	Section 33-9-7 - Liability Insurance	33-39
	Section 33-9-8 - Owner's Completion Bond or Savings and Loan Certificate and Share	33-39
	Section 33-9-9 - Clearance of Site and Safety Measures Required	33-40
	Section 33-9-10 - Inspection Fee and Permit Fee	33-40
	Section 33-9-11 - Issuance of Permit	33-41
	Section 33-9-12 - Suspension or Revocation of Permit	33-41
	Section 33-9-13 - Control and Supervision	33-41
	Section 33-9-14 - Notice Required	33-41
	Section 33-9-15 - Default in Performance of Conditions	33-41
	Section 33-9-16 - Approval of Route	33-41
	Section 33-9-17 - Obstructing Streets	33-41
	Section 33-9-18 - Lights and Barricades	33-42
	Section 33-9-19 - Wires and Structural Supports	33-42
	Section 33-9-20 - Trees, Plants and Shrubs	33-42
	Section 33-9-21 - Repairs to Public Property	33-42
	Section 33-9-22 - Refunding of Deposits	33-43

CHAPTER 33

STREET REGULATIONS

ARTICLE I – DEPARTMENT ESTABLISHED

33-1-1 **DEPARTMENT ESTABLISHED.** There is hereby established a Department of the municipal government which shall be known as the **Public Works Department**. It shall embrace the Public Works Committee, the Superintendent, and the employees. The Village Engineer shall serve as ex-officio officer.

33-1-2 **COMMITTEE ON PUBLIC WORKS.** The Village Board Standing Committee on Public Works shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs and conditions thereof and shall, from time to time, report the same to the Mayor and Village Board. The Superintendent of Public Works shall hereinafter be referred to as the "Superintendent."

ARTICLE II - GENERAL REGULATIONS

33-2-1 **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the Village or belonging to any private person.

33-2-2 **OPEN DOORS.** No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the Village for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-2-3 **REPAIRING SIDEWALKS, ETC.** Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Superintendent to immediately report such fact to the Mayor or Public Works Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

33-2-4 **STAIRWAY - RAILING.** Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5 **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6 **SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the Village, unless he has written approval of the Village Board. **(65 ILCS 5/11-80-17)**

33-2-7 **VEHICLES AND SKATEBOARDS ON SIDEWALKS.** No person shall operate any skateboard or motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot.

33-2-8 **DEPOSITS ON SIDEWALKS AND STREETS.** It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **four (4) feet**; and provided that no such article shall remain on such walk for more than **thirty (30) minutes**.

33-2-9 **OBSTRUCTING STREET.**

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal or property.

(B) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the Village, any debris, materials, or obstruction, except as may be permitted by this Code.

(C) It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once. **(65 ILCS 5/11-80-3)**

33-2-10 **RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Superintendent and no such permit shall be issued unless he shall have found that the Village Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or

drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the Village.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the Village and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.

33-2-11 BUILDING MATERIALS IN STREET. The Superintendent may move any obstruction on any street or sidewalk of the Village, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2)** of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material. **(65 ILCS 5/11-80-3)**

33-2-12 MERCHANDISE ON PUBLIC STREET. It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the Village Board. **(65 ILCS 5/11-80-3)**

33-2-13 ENCROACHMENTS. It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-14 POSTING BILLS. It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

33-2-15 SIGNS ON POLES. No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

33-2-16 INJURY TO NEW PAVEMENTS. It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

33-2-17 **BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within **three (3) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **eight (8) feet** above the level of such public place.

33-2-18 **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village.

33-2-19 **GRASS MOWING.** Property owners and/or their tenants shall be jointly and separately responsible for mowing the grass or weeds between the property lines and the adjoining street surfaces. The height of the grass or weeds shall not exceed **eight (8) inches**.

33-2-20 **HOUSE NUMBERING REQUIRED.** All buildings, residential or commercial, within the Village shall be numbered. It shall be the duty of the owner and/or occupant of every building in the Village to have placed upon the front side of the building or between the front of the building and the improved portion of the street, in a place visible from the street, figures at least **three (3) inches** high showing the number of the structure. **(Ord. No. 726; 10-17-90)**

33-2-21 **DISCHARGING POLLUTING SUBSTANCES.** It shall be unlawful for any person, firm or corporation to connect or cause to be connected any drain carrying or to carry any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances into any storm sewers constructed as part of this improvement. **(Ord. No. 683; 05-05-87)**

ARTICLE III - TREES AND SHRUBS

33-3-1 PLANTING. It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Superintendent and shall be referred by him to the Village Board. All trees and shrubs so planted shall be placed subject to the directions and approval of the Village Board.

33-3-2 PLANTING TREES IN RIGHT-OF-WAY. It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

33-3-3 REMOVAL. It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Superintendent and shall be referred by him to the Village board before permission shall be granted.

33-3-4 INJURY. It shall be unlawful to injure any tree in such public place.

33-3-5 ADVERTISEMENTS OR NOTICES. It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

33-3-6 DANGEROUS TREES. Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than **eight (8) feet** or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

33-3-7 WIRES. It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the Village Board.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

33-3-8 GAS PIPES. Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

ARTICLE IV - CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

33-4-1 PURPOSE AND SCOPE.

(A) **Purpose.** The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.

(B) **Intent.** In enacting this Article, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) preserve the character of the neighborhoods in which facilities are installed;
- (7) preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;
- (8) prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject to this Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, or Similar Agreements.** The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Article.

(E) Effect of Franchises, Licenses, or Similar Agreements.

- (1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control

during the term of such agreement and any lawful renewal or extension thereof.

(2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles.** This Article supersedes all Articles or parts of Articles adopted prior and which are in conflict with this Article to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The Village shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

33-4-2 DEFINITIONS. As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 530.30, unless the context clearly requires otherwise.

"AASHTO": American Association of State Highway and Transportation Officials.

"ANSI": American National Standards Institute.

"Applicant": A person applying for a permit under this Article.

"ASTM": American Society for Testing Materials.

"Backfill": The methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring": To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable Operator": That term as defined in 47 U.S.C. 522(5).

"Cable Service": That term as defined in 47 U.S.C. 522(6).

"Cable System": That term as defined in 47 U.S.C. 522(7).

"Carrier Pipe": The pipe enclosing the liquid, gas or slurry to be transported.

"Casing": A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"Clear Zone": The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

"Coating": Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Conductor": Wire carrying electric current.

"Conduit": A casing or encasement for wires or cables.

"Construction" or "Construct": The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover": The depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility": A facility that crosses one or more right-of-way lines of a right-of-way.

"Disrupt the Right-of-Way": For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devises, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency": Any immediate maintenance to the facility required of the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement": Provision of a protective casing.

"Engineer": The Village Engineer or his or her designee.

"Equipment": Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation": The making of a hole or cavity by removing material, or laying bare by digging.

"Extra Heavy Pipe": Pipe meeting ASTM standards for this pipe designation.

"Facility": All structures, devises, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the Village.

"Freestanding Facility": A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road": Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Hazardous Materials": Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Engineer or Superintendent of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

"Highway Code": The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Highway": A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder": A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT": Illinois Department of Transportation.

"ICC": Illinois Commerce Commission.

"Jacking": Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting": Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use": The use of pole lines, trenches or other facilities by two or more utilities.

"J.U.L.I.E.": The Joint Utility Locating Information for Excavators utility notification program.

"Major Intersection": The intersection of two or more major arterial highways.

"Occupancy": The presence of facilities on, over or under right-of-way.

"Parallel Facility": A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway": Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut": The removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee": That entity to which a permit has been issued pursuant to **Sections 33-4-4** and **33-10-5** of this Article.

"Practicable": That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure": The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines": Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt": That which is done within a period of time specified by the Village. If no time period is specified, the period shall be **thirty (30) days**.

"Public Entity": A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration": The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way": Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Roadway": That part of the highway that includes the pavement and shoulders.

"Sale of Telecommunications at Retail": The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

"Security Fund": That amount of security required pursuant to **Section 33-4-10**.

"Shoulder": A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment": A decision(s) consistent with generally accepted engineering principles, practices and experience.

"Telecommunications": This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider": Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer": Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

"Trench": A relatively narrow open excavation for the installation of an underground facility.

"Utility": The individual or entity owning or operating any facility as defined in this Article.

"Vent": A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video Service": That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Village": The Village of Caseyville.

"Water Lines": Pipelines carrying raw or potable water.

"Wet Boring": Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

33-4-3 ANNUAL REGISTRATION REQUIRED. Every utility that occupies right-of-way within the Village shall register on **January 1** of each year with the Village, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with

emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 33-4-8** of this Article, in the form of a certificate of insurance.

33-4-4 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which:

- (1) changes the location of the facility;
- (2) adds a new facility;
- (3) disrupts the right-of-way (as defined in this Article), or
- (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Village and obtaining a permit from the Village, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the Village:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

- (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;
- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in **Section 33-4-8** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 33-4-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 33-4-21**); and
- (10) Such additional information as may be reasonably required by the Village.

(D) **Supplemental Application Requirements for Specific Types of Utilities.** In addition to the requirements of paragraph (C) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) **Applicant's Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within **thirty (30) days** after the change necessitating the amendment.

(F) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a base fee in the amount of **Five Hundred Dollars (\$500.00)**. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

33-4-5 ACTION ON PERMIT APPLICATIONS.

(A) **Village Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Village Engineer within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall reject such application in writing with the stated reasons for rejection. If the Village Engineer is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Village shall issue a permit as soon as practicable thereafter. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Village Engineer, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional Village Review of Applications of Telecommunications Retailers.**

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Village Engineer shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.
- (2) In the event that the Village Engineer fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.
- (3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to **Section 33-4-4** of this Article the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted **forty-five (45) days** after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

33-4-6 EFFECT OF PERMIT.

(A) **Authority Granted; No Property Right or Other Interest Created.**
A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Article on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than **six (6) months** unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

33-4-7 REVISED PERMIT DRAWINGS. In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within **ninety (90) days** after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with **Section 33-4-21** of this Article. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

33-4-8 INSURANCE.

(A) **Required Coverages and Limits.** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies

insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
 - (a) **Five Million Dollars (\$5,000,000.00)** for bodily injury or death to each person;
 - (b) **Five Million Dollars (\$5,000,000.00)** for property damage resulting from any one accident; and
 - (c) **Five Million Dollars (\$5,000,000.00)** for all other types of liability;
- (2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of **One Million Dollars (\$1,000,000.00)** for personal injury and property damage for each accident;
- (3) Worker's compensation with statutory limits; and
- (4) Employer's liability insurance with limits of not less than **One Million Dollars (\$1,000,000.00)** per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(B) **Excess or Umbrella Policies.** The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required.** The utility shall provide copies of any of the policies required by this Section to the Village within **ten (10) days** following receipt of a written request therefor from the Village.

(D) **Maintenance and Renewal of Required Coverages.** The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until **thirty (30) days** after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Mayor of such intent to cancel or not to renew."

Within **ten (10) days** after receipt by the Village of said notice, and in no event later than **ten (10) days** prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this Section.

(E) **Self-Insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under paragraph (A), or the requirements of paragraphs (B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance

coverage and limit requirements required under paragraph (A) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(F) **Effect of Insurance and Self-Insurance on Utility's Liability.** The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies.** All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois.

33-4-9 **INDEMNIFICATION.** By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the Village, its officials, officers, employees, agents or representatives.

33-4-10 **SECURITY.**

(A) **Purpose.** The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

- (1) The faithful performance by the permittee of all the requirements of this Article;
- (2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Article; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or

an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the Village and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
- (3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village Engineer, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Village may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The Village, upon **fourteen (14) days'** advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this paragraph, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village for such amount within the **fourteen (14) day** notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this Article that the Village determines can be remedied by an expenditure of an amount in the Security Fund.

(E) **Replenishment.** Within **fourteen (14) days** after receipt of written notice from the Village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the

permit, the Security Fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

33-4-11 PERMIT SUSPENSION AND REVOCATION.

(A) **Village Right to Revoke Permit.** The Village may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- (2) Noncompliance with this Article;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this **Section 33-4-11**.

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

- (1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within **five (5) working days** after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within **ten (10) days** after receipt of the written notice of revocation.

The Village may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the Village or its designee may, at the option of the Village:

- (1) correct the deficiencies;
- (2) upon not less than **twenty (20) days** notice to the permittee, remove the subject facilities or equipment; or
- (3) after not less than **thirty (30) days** notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

33-4-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) **Notification of Change.** A utility shall notify the Village no less than **thirty (30) days** prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

33-4-13 GENERAL CONSTRUCTION STANDARDS.

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Village Engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Village Engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

33-4-14 **TRAFFIC CONTROL.**

(A) **Minimum Requirements.** The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to **Section 33-4-20** of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village.

33-4-15 **LOCATION OF FACILITIES.**

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

(1) **No Interference with Village Facilities.** No utility facilities shall be placed in any location if the Village Engineer determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.

(2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

(4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

(5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(B) **Parallel Facilities Located Within Highways.**

(1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:

- (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;
 - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;
 - (d) No pole is located in the ditch line of a highway; and
 - (e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.
- (2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:
- (a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;
 - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.

(C)

Facilities Crossing Highways.

- (1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
- (2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
- (4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:

- (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
 - (b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
- (5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:
- (a) The design materials and construction methods will provide maximum maintenance-free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) **Markers.** The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D) **Facilities to be Located Within Particular Rights-of-Way.** The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E) **Freestanding Facilities.**

- (1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.
- (2) The Village may require any freestanding facility located within a right-of-way to be screened from view.

(F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:

- (1) No other existing facilities in the area are located underground;
- (2) New underground installation is not technically feasible; and
- (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G) **Facility Attachments to Bridges or Roadway Structures.**

- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or

roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
 - (c) The alternative routings available to the utility and their comparative practicability;
 - (d) The proposed method of attachment;
 - (e) The ability of the structure to bear the increased load of the proposed facility;
 - (f) The degree of interference with bridge maintenance and painting;
 - (g) The effect on the visual quality of the structure; and
 - (h) The public benefit expected from the utility service as compared to the risk involved.

(H) **Appearance Standards.**

- (1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

33-4-16

CONSTRUCTION METHODS AND MATERIALS.

(A)

Standards and Requirements for Particular Types of

Construction Methods.

(1) **Boring or Jacking.**

- (a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Engineer from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring

shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

- (b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.
 - (c) **Borings With Diameters Greater than Six (6) Inches.** Borings over **six (6) inches (0.15m)** in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.
 - (d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - (e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the Village to be preserved shall be bored under or around the root system.
- (2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".
- (a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Village.
 - (b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
 - (c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
- (3) **Backfilling.**
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

- (b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Village, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Village Engineer.
- (4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph (4) is permitted under **Section 33-4-21**, the following requirements shall apply:
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Village Engineer.
 - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
 - (c) All saw cuts shall be full depth.
 - (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years**, or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.
- (5) **Encasement.**
- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
 - (b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
 - (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.

- (d) In the case of gas pipelines of **60 psig** or less, encasement may be eliminated.
 - (e) In the case of gas pipelines or petroleum products pipelines with installations of more than **60 psig**, encasement may be eliminated only if:
 - (i) extra heavy pipe is used that precludes future maintenance or repair and
 - (ii) cathodic protection of the pipe is provided;
 - (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by Village)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B)

Standards and Requirements for Particular Types of Facilities.

(1) **Electric Power or Communication Lines.**

- (a) **Code Compliance.** Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines", and the National Electrical Safety Code.
- (b) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
- (c) **Underground Facilities.**
 - (i) Cable may be installed by trenching or plowing, provided that special consideration is given to

- boring in order to minimize damage when crossing improved entrances and side roads.
- (ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:
 - a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or
 - b. the installation is by the open trench method which is only permitted prior to roadway construction.
 - (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
 - (iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.
- (2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
- (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
 - (b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - (c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - (d) tunneling with vented encasement, but only if installation is not possible by other means.
- (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction", and all other applicable laws, rules, and regulations.
- (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

- (5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois".
- (6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Village Engineer. With the approval of the Village Engineer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C)

Materials.

- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction", the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Village. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
- (3) **Hazardous Materials.** The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D)

Operational Restrictions.

- (1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Village when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the Village, the hours of construction are from **7:00 A.M. CST to 7:00 P.M. CST.**

(E) **Location of Existing Facilities.** Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit record available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

33-4-17 **VEGETATION CONTROL.**

(A) **Electric Utilities - Compliance with State Laws and Regulations.**
An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.

(B) **Other Utilities - Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

(1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(B) **Specimen Trees or Trees of Special Significance.** The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(C) **Chemical Use.**

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Village that such spraying is the only practicable method of vegetation control.

33-4-18 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.

(A) **Notice.** Within **ninety (90) days** following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within **ninety (90) days**. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

33-4-19 CLEANUP AND RESTORATION. The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Village Engineer. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Village for good cause shown.

33-4-20 MAINTENANCE AND EMERGENCY MAINTENANCE.

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Police Department of the emergency, informing as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified also of the interference with the free movement of traffic.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

33-4-21 VARIANCES.

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Village as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Village shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Village may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Village may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village under the provisions of this Article shall have the right to appeal as provided by law.

33-4-22 PENALTIES. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

33-4-23 ENFORCEMENT. Nothing in this Article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Article.

33-4-24 SEVERABILITY. If any section, paragraph, clause or provision of this Article is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Article.

(Ord. No. 1053; 03-19-08)

ARTICLE V - STREET IMPROVEMENTS

33-5-1 SIDEWALKS.

(A) Application Required. Any person owning improved property within the Village who desires new concrete curbs, gutters or new sidewalks installed along said property, or the replacement of old or damaged sidewalks, shall file an application for same with the Village Clerk. The application shall describe the premises and specifically state the type of improvement desired and the measurement of said improvement.

(B) Cost to Owner. Any person so applying for curbs, gutters or sidewalks shall agree in said application to pay the costs of materials to the Village for the improvement with the Village supplying labor for said improvement.

(C) Standards of Construction. All of said new sidewalks or sidewalk replacement shall be of the following standards:

- (1) Sidewalks shall be **four (4) feet** in width.
- (2) Sidewalks shall be a minimum of **four (4) inches** in thickness.
- (3) Sidewalks shall be a minimum of **four and one-half (4 1/2)** bag mix or better concrete.

(D) Under Supervision. All of said work shall be done under the supervision of the Superintendent to his satisfaction and acceptance.

(E) Crosswalks. All crosswalk construction shall be the responsibility of the Village. **(Ord. No. 812; 11-29-95)**

33-5-2 CURBS AND GUTTERS.

(A) Request in Writing. Any person owning property within the Village who desires to have new curbs and gutters constructed along the street adjoining his premises shall file a request with the Superintendent, giving the location of the property and the length of the curbs and gutters requested.

(B) Cost to Owner. If the funds are available and the Village Board approves the request, the property owner shall pay **one-half (1/2)** of the cost of the construction including engineering fees, and thereafter, the curbs and gutters shall be maintained by the Village.

(C) Approval by Village Board. The approval of the request for construction of curbs and gutters by the Village Board shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the Village as determined by the Village Board.

(D) Subdivisions. This Section is not applicable to new subdivisions. **(65 ILCS 5/11-80-13)**

33-5-3 STORM SEWERS.

(A) Description of Storm Water Sewers. Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders, or storm waters, rain waters, or other waters other than sanitary sewage.

(B) Supervision. The Superintendent shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

(C) **Permits.** Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or his designated representative.

(D) **Requirements: Use of Storm Water Sewers.** Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the Village. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system. **(See Chapter 40 – Development Code)**

(See 65 ILCS Sec. 5/11-80-7)

ARTICLE VI - CULVERTS

33-6-1 **OBSTRUCTION OF DRAIN OR STORM SEWER.** It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

33-6-2 **PERMIT FOR CULVERT.** It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the Village.

33-6-3 **APPLICATION FOR PERMIT.** Any person desiring a permit to install or replace any culvert shall file an application therefor with the Superintendent upon a form to be provided for that purpose. The application and the permit issued pursuant thereto shall be on the same form which shall be substantially as outlined in **Appendix 'B'** attached hereto.

33-6-4 **TERMINATION OF PERMIT.** All such permits shall terminate upon the expiration of **one (1) year** following the date of issue.

33-6-5 **TYPE OF CULVERT.** Culverts shall be installed where driveways or walkways cross open ditches. The material used for the construction of the culverts shall be reinforced concrete, corrugated steel culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, corrugated aluminum alloy culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, asbestos cement storm drain pipe (**Class IV**), or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Superintendent. The person desiring the culvert shall purchase the same from the Village.

33-6-6 **INSTALLATION.** After the applicant has purchased a culvert, the Village will install the culvert.

33-6-7 **BACKFILL COST.** The Village shall be responsible for the backfill material.

33-6-8 **REPLACEMENT COST.** The expense of replacing any culvert shall be borne by the person making application for the permit.

(65 ILCS 5/11-80-7)

ARTICLE VII - DRIVEWAYS

33-7-1 **PERMITS REQUIRED.** No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without having first obtained a permit therefor.

Applications for such permits shall be made to the Superintendent and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon the order of the Superintendent.

33-7-2 **FEE.** The fee for all such construction shall be **One Dollar (\$1.00).**

33-7-3 **GRADE SURFACE.** No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

33-7-4 **SPECIFICATIONS.** Driveways across sidewalks shall be constructed in compliance with the specifications required by the Superintendent.

33-7-5 **BREAKING CURB - BOND REQUIRED.** Before a permit can be issued to break a curb in the Village for the installation of a driveway or any other purpose, a bond or cash in the amount of **One Hundred Dollars (\$100.00)** is required to be posted with the Village.

33-7-6 **REPAIR.** It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

(65 ILCS 5/11-80-2)

ARTICLE VIII - SNOW REMOVAL

33-8-1DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Article.

"BUSINESS DAY" is any day not a Sunday or a National Holiday.

"BUSINESS DISTRICT" shall include all those areas zoned for business, commercial and industrial purposes in the Zoning Code and accompanying map as amended or other applicable regulations.

"BUSINESS HOURS" are the hours between **8:00 A.M.** and **5:00 P.M.** on any business day.

"ROADWAY" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

"SIDEWALK" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

"STREET" OR "HIGHWAY" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

33-8-2SNOW AND ICE TO BE REMOVED FROM SIDEWALKS BY PRIVATE PERSONS.

(A) Every person in charge or control of any building or lot of land within the Village fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path from so much of a sidewalk as is in front or abuts on said building or lot of land. Snow and ice shall be so removed from sidewalks in all business districts within the Village by **twenty-four (24) hours** after cessation of any fall of snow, sleet or freezing rain. The path required to be cleared in the business district shall be **six (6) feet** in width, or the whole width of the sidewalk, whichever is smaller.

(B) However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A) above, cause enough sand, cinders or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path on said sidewalk of at least **six (6) feet** in width to be thoroughly cleaned.

33-8-3DEPOSITING OF SNOW AND ICE RESTRICTED. No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts. **(65 ILCS 5/11-80-13)**

33-8-4MAYOR'S AUTHORITY. The Mayor is hereby authorized on behalf of the Village to cause sidewalks to be cleared upon the request of the person or entity charged with snow and ice removal. Any person or entity whose sidewalk is cleared pursuant to this Section shall reimburse the Village for the costs of such clearing.

ARTICLE IX - MOVING BUILDINGS

33-9-1 **PERMIT REQUIRED.** It shall be unlawful for any person to move or cause to be moved, any building in, into, through, or from the Village without first obtaining a permit therefor from the Village Clerk. Such permit shall be known as a **"House Moving Permit"**.

33-9-2 **APPLICATION FOR PERMIT.** Any person desiring such a permit shall file with the Village Clerk an application therefor in writing on a form to be furnished by the Superintendent for that purpose. Such application shall specify the following:

- (A) The character and size of the building to be moved;
- (B) The reason for such moving;
- (C) The use, purpose and occupancy for which said building or structure is to be used;
- (D) The location from which and to which said building is to be moved;
- (E) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the Village;
- (F) The streets on, over or through which it is desired to move said building;
- (G) Whether the building conforms to the Zoning Code or other applicable regulations in the location to which it is to be moved.

33-9-3 **INVESTIGATION.** Upon the filing of the application, the Superintendent shall cause the Zoning Administrator, or other authorized representative of the Village, to investigate the building and report to him the results of such investigation, together with recommended action thereon.

33-9-4 **DENIAL OF PERMIT.** No person shall be issued to move any building or structure which, in the opinion of the Superintendent:

- (A) Is so constructed or in such condition as to be dangerous;
- (B) Is infested with pests or unsanitary;
- (C) If it is a dwelling or habitation, is unfit for human habitation;
- (D) Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of **one thousand (1,000) feet** from the proposed site;
- (E) If the proposed use is prohibited by the Zoning laws of the Village;
- (F) If the structure is of a type prohibited at the proposed location by any ordinance of the Village; or
- (G) If the moving of the building or structure causes unreasonable damage to the trees, plants and/or shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the Superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

33-9-5 TERMS AND CONDITIONS OF PERMIT. When a house moving permit is granted such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to the public streets or other public property in the Village on, over, or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

33-9-6 ESTIMATE OF COST AND DEPOSIT. The applicant shall also deposit with the Village Clerk a cash deposit sufficient to cover the cost to the Village as estimated by the Superintendent of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing and displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the Village or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the Village.

33-9-7 LIABILITY INSURANCE. Every person moving a building in the Village shall file with the Village Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do insurance business in the State, which policy shall conform in all respects to the requirements of this Section.

In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this Section has been issued, and shall set forth the expiration date of said policy.

The liability policy required under this Section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of any person, or damage to any property growing out of the moving of such building to the amount or limit of **Fifty Thousand Dollars (\$50,000.00)** exclusive of interest and costs, on account of injury to or death of any **one (1) person**, of **One Hundred Thousand Dollars (\$100,000.00)** exclusive of interest and costs, on account of moving any **one (1) building** resulting in injury to or death of more than **one (1) person**, and of **Twenty-Five Thousand Dollars (\$25,000.00)** for damage to property of others, resulting from moving any **one (1) building**.

33-9-8 OWNER'S COMPLETION BOND OR SAVINGS AND LOAN CERTIFICATE AND SHARE. Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Zoning Administrator or other authorized representative of the Village, a corporate surety bond, conditioned as follows:

That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified in the permit by the Zoning Administrator, or other authorized representative of the Village. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus **ten percent**

(10%) thereof, and shall name the Village as obligee, and shall be in a form approved by the Village Attorney.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for the completion may be granted in writing by the Zoning Administrator or other authorized representative of the Village when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

33-9-9 CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the Village Clerk a bond or other form of security in favor of the Village, conditioned as follows:

(A) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(B) Immediately, after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(C) Within **ten (10) days** after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

- (1) Securely close and seal any sanitary piping located on the property.
- (2) Fill with dirt or sand any septic tanks or cesspools located on the property.
- (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Superintendent.
- (4) Remove any buried underground tanks formerly used for storage of flammable liquids.
- (5) Removal all refuse, debris and waste materials from the property.

The bond required by this Section shall be an amount equal to the cost of the work proposed to be done, as estimated by the Superintendent.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this Section may be granted by the Superintendent when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this Section.

33-9-10 INSPECTION FEE AND PERMIT FEE. An inspection fee in the sum of **Fifteen Dollars (\$15.00)** shall be paid to the Village Clerk upon filing of each application for a house moving permit.

A permit fee in the sum of **Ten Dollars (\$10.00)** shall be paid to the Village Clerk upon the issuance of each house moving permit.

33-9-11 **ISSUANCE OF PERMIT.** The Superintendent shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this Article have been complied with. It shall then be the duty of the Village Clerk to issue the permit.

33-9-12 **SUSPENSION OR REVOCATION OF PERMIT.** The Superintendent, at any time, and for sufficient cause, may revoke or suspend any permit granted under this Article.

33-9-13 **CONTROL AND SUPERVISION.** Every building which is moved on, over, or through any public street, way or park in the Village shall be under the control of the Superintendent and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the Superintendent. This Section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.

33-9-14 **NOTICE REQUIRED.** Notice must be given to both the Street Department and the Police Department of the Village by the person or his representative to whom the permit is issued not less than **forty-eight (48) hours** nor more than **seventy-two (72) hours** before the actual work of moving a building or structure is to commence.

33-9-15 **DEFAULT IN PERFORMANCE OF CONDITIONS.** Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the Superintendent; said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done, or pay over to the Village Clerk the estimated cost of doing the work, as set forth in the notice, plus **ten percent (10%)** of said estimated cost. Upon receipt of notice from the Village Clerk that the permittee has deposited such money, the Superintendent shall cause the required work to be performed and completed.

If the permittee defaults, the Village shall have the option in lieu of completing the work required to demolish the building or structure and to clear, clean and restore the site or sites.

33-9-16 **APPROVAL OF ROUTE.** The streets over which any building or structure is to be moved must be recommended by the Superintendent and the Chief of Police to the Village Board for approval.

33-9-17 **OBSTRUCTING STREETS.** No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the Village shall permit said building to remain in any one location on any such street, way or park for a period longer than **twenty-four (24) hours**, except by written permission obtained from the Chief of Police, or to obstruct traffic on any railroad.

33-9-18 **LIGHTS AND BARRICADES.** The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness.

33-9-19 **WIRES AND STRUCTURAL SUPPORTS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the Village, or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or wires, cables or other equipment thereon, and shall notify such owner or owners at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or Village property; and such work shall be done only by the authorized workmen of the utility or the Village, whichever is the owner.

The person to whom the permit is granted shall pay to the public utility, or to the Village, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

33-9-20 **TREES, PLANTS AND SHRUBS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the Village, the person to whom such permit has been granted or his authorized representative shall notify the Superintendent at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of the time of notice, or at any time, trim, move, remove, replant, or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the Village unless otherwise approved and so ordered by the Superintendent.

The person to whom the permit is granted shall pay to the Village, any and all costs or expenses for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

33-9-21 **REPAIRS TO PUBLIC PROPERTY.** In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the Village may have, the Superintendent may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the Superintendent to make all necessary repairs to such streets or property; provided, however, that should the person to whom the permit has been granted and to whom the notice

has been given, or his authorized representative, fails to make the necessary repairs within the period of time designated in the written notice, the Superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

33-9-22 REFUNDING OF DEPOSITS. When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the Superintendent, and all costs of repairing damages or performing other work as provided herein have been paid and the deposit as required by **Section 33-9-6**, or such portion thereof then remaining unused under the provisions of this Article, shall be refunded upon surrender of the deposit receipt representing the money so deposited. However, should the cost of repairing damages and/or performing other work, as in this Article provided, exceed the total amount of money deposited, the person to whom the permit was granted shall be held liable for the amount of damage and/or other costs which are in excess of the amount deposited. It shall be the duty of the Village Clerk, upon receipt of the request from the Superintendent, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

VILLAGE OF CASEYVILLE

EXCAVATION PERMIT

NAME _____

FIRM NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

LOCATION OF PROPOSED EXCAVATION _____

NATURE OF EXCAVATION _____

BONDING COMPANY:

NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

AMOUNT OF BOND \$ _____

PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)

	<u>CITY/VILLAGE</u>	<u>CITY/VILLAGE OFFICIAL</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

(Applicant's Signature)

(Superintendent)

VILLAGE OF CASEYVILLE

APPLICATION FOR CULVERT/DRIVEWAY PERMIT

I, _____, do hereby request permission and authority to construct a culvert/driveway on the right-of-way of the Village in accordance with the information provided on this application and the accompanying sketch. (Applicant must prepare a sketch showing location, length and pertinent details.)

ADDRESS: _____

Pipe material will be: _____

Wall thickness or gauge will be: _____

Type of joint will be: _____

DATED: _____, 20__ SIGNED: _____
(APPLICANT)

CULVERT/DRIVEWAY PERMIT

APPLICATION **Approved ()** **Disapproved ()**

If disapproved, state reasons:

DATED: _____, 20__ SIGNED: _____

CERTIFICATION

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit.

DATED: _____, 20__ SIGNED: _____

TAXATION

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	TAXPAYER'S RIGHTS CODE	
	Section 36-1-1 - Title	36-1
	Section 36-1-2 - Scope	36-1
	Section 36-1-3 - Definitions	36-1
	Section 36-1-4 - Notices	36-1
	Section 36-1-5 - Late Payment	36-1
	Section 36-1-6 - Payment	36-2
	Section 36-1-7 - Certain Credits and Refunds	36-2
	Section 36-1-8 - Audit Procedure	36-2
	Section 36-1-9 - Appeal	36-3
	Section 36-1-10 - Hearing	36-4
	Section 36-1-11 - Interest and Penalties	36-4
	Section 36-1-12 - Abatement	36-4
	Section 36-1-13 - Installment Contracts	36-4
	Section 36-1-14 - Statute of Limitations	36-4
	Section 36-1-15 - Voluntary Disclosure	36-5
	Section 36-1-16 - Publication of Tax Ordinances	36-5
	Section 36-1-17 - Internal Review Procedure	36-5
	Section 36-1-18 - Application	36-5
II	GENERALLY	
	Section 36-2-1 - Corporate Rate	36-6
	Section 36-2-2 - Police Tax	36-6
	Section 36-2-3 - Audit Tax	36-6
	Section 36-2-4 - F.I.C.A. Tax	36-6
	Section 36-2-5 - General Liability	36-6
	Section 36-2-6 - Garbage Tax	36-6
	Section 36-2-7 - Workmen's Compensation	36-6
	Section 36-2-8 - Public Parks Tax	36-6
	Section 36-2-9 - Street and Bridge	36-6
III	SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX	
	Section 36-3-1 - Definitions	36-7
	Section 36-3-2 - Simplified Municipal Telecommunications Tax Imposed	36-9
	Section 36-3-3 - Collection of Tax by Retailers	36-9
	Section 36-3-4 - Returns to Department	36-10
	Section 36-3-5 - Resellers	36-10
IV	MUNICIPAL UTILITY TAX	
	Section 36-4-1 - Tax Imposed	36-11
	Section 36-4-2 - Exceptions	36-11
	Section 36-4-3 - Additional Taxes	36-11
	Section 36-4-4 - Definitions	36-11
	Section 36-4-5 - Reports to Municipality	36-11
	Section 36-4-6 - Credit for Over-Payment	36-12

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
V	ELECTRIC UTILITY TAX	
	Section 36-5-1 - Tax Imposed	36-13
	Section 36-5-2 - Exceptions	36-13
	Section 36-5-3 - Additional Taxes	36-13
	Section 36-5-4 - Collection	36-13
	Section 36-5-5 - Reports to Village	36-14
	Section 36-5-6 - Credit for Over-Payment	36-14
	Section 36-5-6 - Penalty	36-14
VI	FOREIGN FIRE INSURANCE COMPANIES	
	Section 36-6-1 - Conformance	36-15
	Section 36-6-2 - Fees	36-15
	Section 36-6-3 - Required Reports	36-15
	Section 36-6-4 - Recovery of Monies	36-15
	Section 36-6-5 - Unlawful Operation	36-15
	Section 36-6-6 - Penalty	36-15
VII	HOTEL/MOTEL TAX	
	Section 36-7-1 - Definitions	36-16
	Section 36-7-2 - Tax Established	36-16
	Section 36-7-3 - Books and Records	36-16
	Section 36-7-4 - Transmittal of Tax Revenue	36-16
	Section 36-7-5 - Proceeds of Tax	36-17
	Section 36-7-6 - Tourism and Convention Board	36-17
	Section 36-7-7 - Penalties and Collection	36-17
VIII	VOLUNTARY CONTRIBUTION BY HOTEL/MOTEL OPERATORS	
	Section 36-8-1 - Voluntary Contribution for Police Surcharge	36-18
	Section 36-8-2 - Segregation of Funds	36-18
	Section 36-8-3 - Additional Police Protection	36-18
IX	BUSINESS DISTRICT TAX	
	Section 36-9-1 - Imposition of Tax	36-19
	Section 36-9-2 - Established Boundaries	36-19
	Section 36-9-3 - Rate Established	36-19
	Section 36-9-4 - Not Subject to Tax	36-19
	Section 36-9-5 - Collection and Enforced	36-19
	Section 36-9-6 - Execution of Documents by Official	36-19
	Section 36-9-7 - Certified Copy Filed	36-19

CHAPTER 36

TAXATION

ARTICLE I - TAXPAYERS' RIGHTS CODE

36-1-1 **TITLE.** This Article shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".

36-1-2 **SCOPE.** The provisions of this Code shall apply to the Village's procedures in connection with all of the Village's locally imposed and administered taxes.

36-1-3 **DEFINITIONS.** Certain words or terms herein shall have the meaning ascribed to them as follows:

(A) **Act.** "Act" means the "Local Government Taxpayers' Bill of Rights Act".

(B) **Corporate Authorities.** "Corporate Authorities" means the Mayor and Board of Trustees.

(C) **Locally Imposed and Administered Tax or "Tax".** "Locally Imposed and Administered Tax" or "Tax" means each tax imposed by the Village that is collected or administered by the Village not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees.

(D) **Local Tax Administrator.** "Local Tax Administrator", the Village's Treasurer, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E) **Village.** "Village" means the Village of Caseyville, Illinois.

(F) **Notice.** "Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the Village's locally imposed and administered taxes.

(G) **Tax Ordinance.** "Tax Ordinance" means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

(H) **Taxpayer.** "Taxpayer" means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the Village.

36-1-4 **NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

(A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

(B) Personal service or delivery.

36-1-5 **LATE PAYMENT.** Any notice, payment, remittance or other filing required to be made to the Village pursuant to any tax ordinance shall be considered late unless it is:

(A) physically received by the Village on or before the due date, or

(B) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the Village, with adequate postage prepaid.

36-1-6 **PAYMENT.** Any payment or remittance received for a tax period shall be applied in the following order:

- (A) first to the tax due for the applicable period;
- (B) second to the interest due for the applicable period; and
- (C) third to the penalty for the applicable period.

36-1-7 **CERTAIN CREDITS AND REFUNDS.**

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

(B) The statute of limitations on a claim for credit or refund shall be **four (4)** or less years after the end of the calendar year in which payment in error was made. The Village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the Village.

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

- (1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
 - (a) the name of the locally imposed and administered tax subject to the claim;
 - (b) the tax period for the locally imposed and administered tax subject to the claim;
 - (c) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
 - (d) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
 - (e) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the Village.
- (2) Within **ten (10) days** of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
 - (a) grant the claim; or
 - (b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
- (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **six percent (6%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

36-1-8 **AUDIT PROCEDURE.** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

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

- (1) the tax;
- (2) the time period of the audit; and
- (3) a brief description of the books and records to be made available for the auditor.

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

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than **seven (7) days** nor more than **thirty (30) days** from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the **thirty (30) days**, approved in writing, that is convenient to the taxpayer and the local tax administrator.

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

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

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

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

36-1-9 **APPEAL.**

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

- (1) the reason for the assessment;
- (2) the amount of the tax liability proposed;
- (3) the procedure for appealing the assessment; and
- (4) the obligations of the Village during the audit, appeal, refund and collection process.

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

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

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

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

36-1-10 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-6-9**, above, the local tax administrator shall conduct a hearing regarding any appeal.

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

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

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

36-1-11 INTEREST AND PENALTIES. In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) **Interest.** The Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **six percent (6%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

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

36-1-12 ABATEMENT. The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

36-1-13 INSTALLMENT CONTRACTS. The Village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) working days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

36-1-14 **STATUTE OF LIMITATIONS.** The Village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than **four (4) years** maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

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

36-1-15 **VOLUNTARY DISCLOSURE.** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

36-1-16 **PUBLICATION OF TAX ORDINANCES.** Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

36-1-17 **INTERNAL REVIEW PROCEDURE.** The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- (A) timely remove the lien at the Village's expense;
- (B) correct the taxpayer's credit record; and
- (C) correct any public disclosure of the improperly imposed lien.

36-1-18 **APPLICATION.** This Ordinance shall be liberally construed and administered to supplement all of the Village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

(Ord. No. 916; 01-03-01)

(50 ILCS 45/1 et seq.)

ARTICLE II – GENERALLY

36-2-1 **CORPORATE RATE.** The maximum rate for general corporate purposes of the Village be and the same is hereby established at a rate of **.25%**. **(65 ILCS 5/8-3-1)**

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

36-2-3 **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. **(65 ILCS 5/8-8-8)**

36-2-4 **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. **(40 ILCS 5/21-101 et seq.)**

36-2-5 **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.

36-2-6 **GARBAGE TAX.** The maximum tax for garbage collection purposes, be and the same is hereby established at a rate of **.20%**. **(65 ILCS 5/11-19-4)**

36-2-7 **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. **(745 ILCS 10/9-107)**

36-2-8 **PUBLIC PARKS TAX.** The maximum tax for Public Park purposes, be and the same is hereby established at a rate of **.075%**. **(65 ILCS 5/11-98-1)**

36-2-9 **STREET AND BRIDGE.** The maximum tax for Street and Bridge purposes, be and the same is hereby established at a rate of **.06%**. **(65 ILCS 5/11-81-1 and 5/11-81-2)**

ARTICLE III - SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

36-3-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A) **"Amount Paid"** means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

(B) **"Department"** means the Illinois Department of Revenue.

(C) **"Gross Charge"** means the amount paid for the act or privilege of originating or receiving telecommunications in such a municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charge" shall not include:

- (1) any amounts added to a purchaser's bill because of a charge made pursuant to:
 - (a) the tax imposed by this Section,
 - (b) the tax imposed by the Telecommunications Excise Tax Act,
 - (c) the tax imposed by Section 4251 of the Internal Revenue Code,
 - (d) 911 surcharges, or
 - (e) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act;
- (2) charges for a sent collect telecommunication received outside the Village;
- (3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
- (4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;
- (5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;
- (6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent

expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

- (7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
- (8) charges paid by inserting coins in coin-operated telecommunications devices; or
- (9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(D) **"Interstate Telecommunications"** means all telecommunications that either originate or terminate outside this State.

(E) **"Intrastate Telecommunications"** means all telecommunications that originate and terminate within this State.

(F) **"Person"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(G) **"Purchase at Retail"** means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) **"Retailer"** means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

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

(J) **"Sale at Retail"** means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) **"Service address"** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) **"Taxpayer"** means a person who individually or through his or her agents, employees, or permittees, engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Article.

(M) **“Telecommunications”**, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Article, “private line” means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of “telecommunications” shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission “Telecommunications” shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered “telecommunications” subject to the tax imposed under this Act. For purposes of this Section, “prepaid telephone calling arrangements” means that term as defined in Section 2-27 of the Retailers’ Occupation Tax Act.

36-3-2 SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED. A tax is hereby imposed upon any and all of the following acts or privileges:

(A) The act or privilege of originating in the Village or receiving in the Village intrastate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer.

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

(C) The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the City.

36-3-3 COLLECTION OF TAX BY RETAILERS.

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

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

36-3-4 RETURNS TO DEPARTMENT. Commencing on **February 1, 2003**, the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement this Act.

36-3-5 RESELLERS.

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

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

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

ARTICLE IV - MUNICIPAL GAS TAX

36-4-1 **TAX IMPOSED.** A tax is imposed on all persons engaged in the following occupations or privileges:

(A) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within Village and not for resale, at the rate of **three percent (3%)** of the gross receipts therefrom.

36-4-2 **EXCEPTIONS.** None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and Statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any person engaged in the business of distributing, supplying, furnishing or selling gas be subject to taxation under the provisions of this Section for such transactions as are or may become subject to taxation under the provisions of this Section for such transactions as are or may become subject to taxation under the provisions of the "**Municipal Retailers' Occupation Tax Act**" authorized by Chapter 65, Sec. 5/8-11-1, Illinois Compiled Statutes, nor shall any tax authorized by this Section be imposed upon any person engaged in the business unless such tax is imposed in like manner and at the same rate upon all persons engaged in the business of the same class in the Municipality, whether privately or municipally owned or operated. No tax is imposed by this Ordinance with respect to all current and future properties owned or operated by the Village.

36-4-3 **ADDITIONAL TAXES.** Such tax shall be in addition to the payment of money, or value of products or services furnished to this Municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

36-4-4 **DEFINITIONS.** For the purposes of this Article, the following definitions shall apply:

"GROSS RECEIPTS" means the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing, and the consideration received for distributing, supplying, furnishing or selling water for use or consumption and not for resale, except for that consideration received from the Village; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting such messages without any deduction on account of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expenses whatsoever.

"PERSON" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court.

36-4-5 **REPORTS TO MUNICIPALITY.** On or before the last day of September, each taxpayer shall make a return to the Village Treasurer for the months of June, July and August, 1997, stating:

- (A) His name.
- (B) His principal place of business.

(C) His gross receipts during those months upon the basis of which the tax is imposed.

(D) Amount of tax.

(E) Such other reasonable and related information as the corporate authorities may require.

On or before the last day of every third month thereafter, each taxpayer shall make a like return to the Village Treasurer for a corresponding **three (3) month** period.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village Treasurer, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

36-4-6 CREDIT FOR OVER-PAYMENT. If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

(Ord. No. 849; 07-02-97)

(65 ILCS 5/8-11-2)

ARTICLE V - ELECTRIC UTILITY TAX

36-5-1 TAX IMPOSED. A tax is imposed on all persons engaged in the following occupations or privileges:

(A) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

(1)	First 2,000 KWH	0.61 cents per KWH
(2)	Next 48,000 KWH	0.40 cents per KWH
(3)	Next 50,000 KWH	0.36 cents per KWH
(4)	Next 400,000 KWH	0.35 cents per KWH
(5)	Next 500,000 KWH	0.34 cents per KWH
(6)	Next 2,000,000 KWH	0.32 cents per KWH
(7)	Next 2,000,000 KWH	0.315 cents per KWH
(8)	Next 5,000,000 KWH	0.31 cents per KWH
(9)	Next 10,000,000 KWH	0.305 cents per KWH
(10)	Over 20,000,000 KWH	0.30 cents per KWH

The tax is in addition to all taxes, fees and other revenue measures imposed by the Village, the State of Illinois or any other political subdivision of the State.

The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and the statutes of the United States, be made the subject to taxation by the Village.

The tax shall be imposed with respect to the use or consumption of electricity by residential and non-residential customers beginning with the first bill issued by the person maintaining a place of business in this State who delivers electricity or gas after said tax has been incorporated into their charges, on or after **March 1, 2019**.

36-5-2 EXCEPTIONS. None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privileges may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions of the **"Municipal Retailer's Occupation Tax Act"** authorized by 65 ILCS 5/8-11-1; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the Municipality, whether privately or municipally owned or operated, or exercising the same privilege within the Municipality. No tax is imposed by this Ordinance with respect to all current and future properties owned or operated by the Village.

36-5-3 ADDITIONAL TAXES. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

36-5-4 COLLECTION. The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity shall constitute a debt owed to the Municipality by such person delivering the

electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to **three percent (3%)** of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the Municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the Municipality in the manner prescribed by the Municipality. Persons delivering electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the Municipality the amount of the tax collected pursuant to this Article.

36-5-5 **REPORTS TO VILLAGE.** On or before the last day of each month, each taxpayer who has not paid the tax imposed by this Article to a person delivering electricity as set forth in **Section 36-5-4** and who is not otherwise exempted from paying such tax shall make a return to the Village Treasurer for the preceding month stating:

- (A) His name.
- (B) His principal place of business.
- (C) His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- (D) Amount of tax.
- (E) Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

36-5-6 **CREDIT FOR OVER-PAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

36-5-7 **PENALTY.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Two Hundred Dollars (\$200.00)** in addition, shall be liable in a civil action for the amount of tax due.

(Ord. No. 1618; 09-07-16)

(65 ILCS 5/8-11-2)

ARTICLE VI - FOREIGN FIRE INSURANCE COMPANIES

36-6-1 **CONFORMANCE.** It shall be unlawful for any corporation or association, not incorporated under the laws of the State of Illinois to engage in the Village in effecting fire insurance or to transact any business of fire insurance in this Village, while in default by not fully complying with any of the requirements of this Section, and until such requirements shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this Section.

36-6-2 **FEES.** Any such corporation, company or association not incorporated under the laws of the State of Illinois, which is engaged in the Village in effecting fire insurance, shall pay the Village Treasurer for the maintenance, use, and benefit of the Fire Department of the Village, a sum of money equal in amount to **two percent (2%)** per annum of the gross receipts received as premiums upon fire insurance policies by any and all agents of such corporation, company, association during the year ending on the first day of July in each year, for any insurance effected or agreed to be effected on property located in the Village by or with such corporation, company, or association during such year.

36-6-3 **REQUIRED REPORTS.** Every person acting in the Village as agent for or on behalf of any such corporation, company, or association shall, on or before the **fifteenth (15th) day** of July of each and every year, render the Village Clerk a full, true, and just account verified by oath of all premiums upon fire insurance policies which, during the year ending the first day of July preceding such report, shall have been received by him, or by some other person for him, in his behalf of any such corporation, company or association on property located in the Village. Such agent shall also, at the time of rendering the aforesaid report, pay to the Village Treasurer the sum of money for which company, corporation, or association represented by him is chargeable, by virtue of the provisions of this Section.

36-6-4 **RECOVERY OF MONIES.** The sum of money for which such company, corporation, or association is so chargeable may be recovered of it, or its agents or agent, by an action in the name of and for the use of the Village as for money had and received. Nothing in this Section shall be held to exempt any person, corporation, company, association from indictment and conviction under the provisions of an act entitled "An Act to enable cities, towns, and villages, organized under any general or special law, to levy and collect a tax or license fee from foreign insurance companies for the benefit of organized fire department," in force **July 1, 1895.**

36-6-5 **UNLAWFUL OPERATION.** No insurance agent in the Village shall have any insurance business or dealings with any company, association, or corporation not incorporated under the laws of this state, which shall be in default for not reporting or making payments as hereinbefore provided, until it shall have complied with all the requirements of this Section.

36-6-6 **PENALTY.** Any person violating any of the provisions of this Section shall, upon conviction, be fined as provided in **Section 1-1-20** of the Village Code.

(Ord. No. 175)

ARTICLE VII - HOTEL/MOTEL TAX

36-7-1 **DEFINITIONS.** For the purpose of this Article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this Section:

"Hotel Room or Motel Room" means a room within a structure offered for rental on a daily basis and containing facilities for sleeping. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

"Owner" means any person or persons having an ownership interest in or conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room.

"Person" means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

36-7-2 **TAX ESTABLISHED.**

(A) There is hereby levied and imposed a tax of **five percent (5%)** of the rent charged for the privilege and use of renting a hotel or motel room within the Village for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made; provided, however, that the tax shall not be levied and imposed upon any person who rents a hotel or motel room for more than **thirty (30) consecutive days** or to a person who works and lives in the same hotel or motel.

(B) The ultimate incidence of and liability for payment of said tax is to be borne by the person who seeks the privilege of occupying the hotel or motel room, said person hereinafter referred to as "Renter".

(C) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner of every hotel or motel to secure said tax from the renter of the hotel or motel room and to pay over to the Village Treasurer or any authorized representative of the Village said tax under procedures prescribed by the Village Treasurer, or as otherwise provided in this Article.

(D) Every person required to collect the tax levied by this Article shall secure said tax from the renter at the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum of the rent given to the renter at the time of payment the amount due under the tax provided in this Article shall be stated separately on said documents.

36-7-3 **BOOKS AND RECORDS.** The Village Treasurer or authorized representative, may enter the premises of any hotel or motel for inspection and examination of records in order to effectuate the proper administration of this Article, and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the Village Treasurer or authorized deputy or representative in the discharge of their duties in the performance of this Article. It shall be the duty of every owner to keep accurate and complete books and records to which the Village Treasurer, or authorized representative, shall at all times have full access, which records shall include a daily sheet showing (1) the number of hotel or motel rooms rented during the **twenty-four (24) hour** period, including multiple rentals of the same hotel or motel room where such shall occur, and (2) the actual hotel or motel tax receipt collected for the date in question.

36-7-4 **TRANSMITTAL OF TAX REVENUE.** Commencing on **May 1, 2016**, the owner or owners of each hotel or motel within the Village shall file tax returns showing tax receipts received

with respect to each hotel and motel room and the returns to be filed on a monthly basis, with the returns being due as follows:

May is due by July 1st
June is due by August 1st
July is due by September 1st
August is due by October 1st
September is due by November 1st
October is due by December 1st
November is due by January 1st
December is due by February 1st
January is due by March 1st
February is due by April 1st
March is due by May 1st
April is due by June 1st

At the time of filing said tax returns, the owner shall pay to the Village Treasurer all taxes due for the period to which the tax return applies.

36-7-5 **PROCEEDS OF TAX.** All proceeds resulting from the imposition of the tax under this Article, including penalties, shall be applied as follows:

(A) **Five percent (5%)** of the gross tax revenue collected each year shall be appropriated for and directed to the office of the Commissioner of Accounts and Finances to defray the costs of administering and processing the imposition, application and collection of the tax.

(B) All the rest, residue and remainder of the Tax Revenue collected each year, including that portion remaining in the Village Hotel-Motel Use Tax Fund, shall be paid into the treasury of the Village into a special fund to be used and applied for the promotion and development of tourism and conventions in the Village.

36-7-6 **TOURISM AND CONVENTION BOARD.** There shall be a Village Commission established entitled "Village of Caseyville Tourism & Convention Board". The primary responsibility of the Tourism and Convention Board is to convene as often as necessary and make recommendations to the Village Board as to the orderly disbursements of funds collected. The Board will include the Mayor, Treasurer, Finance Committee Chairperson, **one (1)** representative from each motel containing more than **eighty (80) rooms, one (1)** at large member representing the remaining smaller motels, and **one (1)** resident of the Village appointed by the Mayor with the consent of the Board of Trustees of the Village.

36-7-7 **PENALTIES AND COLLECTION.**

(A) If for any reason the tax is not paid when due, a penalty at the rate of **one and one-half percent (1.5%)** per **thirty (30) day** period, or portion thereof, from the date of delinquency shall be added and collected.

(B) A person, firm or corporation found willfully guilty of failing to pay, collect, report and transmit said hotel or motel tax to the Village Treasurer in accordance with the terms of this Article shall, except when otherwise specifically provided, upon conviction thereof be punished by a fine not to exceed **Five Hundred Dollars (\$500.00)** for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof.

(C) Whenever any person shall fail to pay any tax, penalties and/or fines as herein provided, the Corporation Counsel shall, upon the request of the Village Board bring or cause to be brought an action to enforce the payment of said tax, penalties and/or fines on behalf of the Village in any Court of competent jurisdiction.

(Ord. No. 1605; 04-06-16)

ARTICLE VIII – VOLUNTARY CONTRIBUTION BY HOTEL/MOTEL OPERATORS

36-8-1 **VOLUNTARY CONTRIBUTION FOR POLICE SURCHARGE.** The Village will accept any voluntary contributions for a police surcharge from hotel/motel operators within the Village boundaries of **One Dollar (\$1.00)** per room rental for each day rented.

36-8-2 **SEGREGATION OF FUNDS.** All funds collected pursuant to this Article will be kept in a segregated account by the Village.

36-8-3 **ADDITIONAL POLICE PROTECTION.** The voluntary contributions made pursuant to this Article will be used entirely to provide additional police protection to the hotel/motel operators within the Village boundaries who have made such voluntary contributions.

(Ord. No. 887; 04-21-99)

ARTICLE IX – BUSINESS DISTRICT TAX

36-9-1 **IMPOSITION OF TAX.** A Business District Retailers' Occupation Tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail within the boundaries of the Business District at the rate of **one percent (1%)** of the gross receipts from such sales made in the course of such business while this Article is in effect.

36-9-2 **ESTABLISHED BOUNDARIES.** A Business District Service Occupation Tax is hereby imposed upon all persons engaged within the boundaries of the Business District in the business of making sales of service, who as an incident to making those sales of service transfer tangible personal property within the Business District, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, at the rate of **one percent (1%)** of the selling price of tangible personal property so transferred with the Business District.

36-9-3 **RATE ESTABLISHED.** An occupation tax is hereby imposed upon all persons engaged within the boundaries of the Business District in the business of renting, leasing or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate of **one percent (1%)** of the gross rental receipts from the renting, leasing or letting of hotel rooms, excluding however from gross rental receipts the proceeds of renting, leasing or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

36-9-4 **NOT SUBJECT TO TAX.** The Business District Retailers' Occupation Tax and Business District Service Occupation Tax shall not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption), prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes and needles used by diabetics, for human use. **(Ord. No. 1069; 10-15-08)**

36-9-5 **COLLECTION AND ENFORCED.** The Business District Retailers' Occupation Tax and Business District Service Occupation Tax hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Business District Hotel Operators' Occupation Tax hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Village. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Article whenever needed. **(Ord. No. 1069; 10-15-08)**

36-9-6 **EXECUTION OF DOCUMENTS BY OFFICIAL.** The Mayor and Village Clerk are hereby authorized and directed to execute and deliver for and on behalf of the Village, all certificates, documents, agreements or other instruments as may be necessary or proper to carry out and comply with the provisions that are incidental to the implementation of this Article.

36-9-7 **CERTIFIED COPY FILED.** The Village Clerk is hereby directed to file a certified copy of this Article with the Illinois Department of Revenue.

(Unless Otherwise Noted, Ord. No. 1047; 02-20-08)

UTILITIES

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	DEPARTMENT ESTABLISHED	
	Section 38-1-1 - Department Established	38-1
	Section 38-1-2 - Public Works Committee	38-1
	Section 38-1-3 - Superintendent	38-1
	Section 38-1-4 - Duties of the Superintendent	38-1
II	UTILITY REGULATIONS	
	Section 38-2-1 - Contract for Utility Services	38-2
	Section 38-2-2 - Consumer Lists	38-3
	Section 38-2-3 - Filed in Recorder of Deeds	38-4
	Section 38-2-4 - Liability for Charges	38-4
	Section 38-2-5 - Estimated Charge	38-4
	Section 38-2-6 - No Free Utility Service	38-4
	Section 38-2-7 - Test of Meters	38-4
	Section 38-2-8 - Utility Deposits	38-4
III	WATER SYSTEM	
	Division I - General Regulations	
	Section 38-3-1 - Definitions	38-5
	Section 38-3-2 - Application for Taps and Service Connections to the Waterworks System	38-6
	Section 38-3-3 - All Service to be by Meter	38-6
	Section 38-3-4 - Removal of Meters	38-6
	Section 38-3-5 - Installing and Maintaining Service Lines	38-6
	Section 38-3-6 - Inspection	38-7
	Section 38-3-7 - Meter Damaged	38-7
	Section 38-3-8 - Damage Due to Interruption of Service; Liability	38-7
	Section 38-3-9 - Resale of Water	38-7
	Section 38-3-10 - Discontinuing Service - Dangerous Usage	38-7
	Section 38-3-11 - Electric Ground Wires	38-7
	Section 38-3-12 - Water for Building or Construction Purposes	38-8
	Section 38-3-13 - Fire Hydrants	38-8
	Section 38-3-14 - Limited Water Usage in Emergencies	38-8
	Section 38-3-15 - Shortage and Purity of Supply	38-8
	Section 38-3-16 - Non-Compliance with Rules and Regulations	38-9
	Section 38-3-17 - Easements	38-9
	Section 38-3-18 - Use of Water on Consumer's Premises	38-9
	Section 38-3-19 - Allocation of Maintenance Costs Between User and Village	38-9
	Section 38-3-20 - Village Not Liable for Interruption of Supply	38-9
	Section 38-3-21 - Water Well Permits Required	38-9
	Section 38-3-22 - Abandoned Connection	38-10
	Section 38-3-23 - Alternative Water Source	38-10
	Section 38-3-24 - Rules to Become Part of Contract	38-10
	Section 38-3-25 - 38-3-30 Reserved	

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
III	WATER SYSTEM (CONTINUED)	
	<i>Division II - Cross-Connection Administration</i>	
	Section 38-3-31 - Approved Backflow Device	38-10
	Section 38-3-32 - Cross-Connection Prohibited; Exception	38-10
	Section 38-3-33 - Investigations by Superintendent	38-11
	Section 38-3-34 - Right to Enter Premises	38-11
	Section 38-3-35 - Notice to Customer; Reconnect Fee	38-11
	Section 38-3-36 - Contaminations Cost and the Consumer	38-11
	Section 38-3-37 - 38-3-40 Reserved	
	 <i>Division III - Cross-Connection Control Code</i>	
	Section 38-3-41 - Purpose	38-12
	Section 38-3-42 - Application	38-12
	Section 38-3-43 - Responsibility of Owner	38-12
	Section 38-3-44 - Definitions	38-12
	Section 38-3-45 - Water System	38-15
	Section 38-3-46 - Cross-Connection Prohibited	38-15
	Section 38-3-47 - Survey and Investigations	38-15
	Section 38-3-48 - Where Protection is Required	38-16
	Section 38-3-49 - Type of Protection Required	38-17
	Section 38-3-50 - Backflow Prevention Devices	38-17
	Section 38-3-51 - Inspection and Maintenance	38-18
	Section 38-3-52 - Booster Pumps	38-18
	Section 38-3-53 - Violations and Penalties	38-18
	Section 38-3-54 - 38-3-60 Reserved	
	 <i>Division IV - Extension of Mains</i>	
	Section 38-3-61 - Determination of Who Pays Expense of Extension	38-19
	Section 38-3-62 - Easements	38-19
	Section 38-3-63 - Size and Type	38-20
	Section 38-3-64 - Title	38-20
	Section 38-3-65 - Maintenance and Replacement	38-20
	Section 38-3-66 - 38-3-69 Reserved	
	 <i>Division V – Water Rates</i>	
	Section 38-3-70 - Building Unit Defined	38-20
	Section 38-3-71 - Water Revenues	38-20
	Section 38-3-72 - Water Accounts	38-20
	Section 38-3-73 - Access to Books	38-21
	Section 38-3-74 - Notice of Rates	38-21
	Section 38-3-75 - Appeals	38-21
	Section 38-3-76 - Adequacy of Service Charges	38-21
	Section 38-3-77 - Computation	38-21
	Section 38-3-78 - Connection Charges	38-22
	Section 38-3-79 - Water Rates	38-23
	Section 38-3-80 - Requested Shut-Off	38-23
	Section 38-3-81 - Automatic Increases	38-23
	Section 38-3-82 - Temporary Utility Permit	38-24
	Section 38-3-83 - 38-3-84 Reserved	

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IV	WASTEWATER SYSTEM	
	<i>Division I – Definitions</i>	
	Section 38-4-1 - Definitions	38-25
	Section 38-4-2 - 38-4-3 Reserved	
	<i>Division II – Use of Public Wastewaters Required</i>	
	Section 38-4-4 - Deposit of Wastes	38-28
	Section 38-4-5 - Sewage in Natural Outlet	38-28
	Section 38-4-6 - Private System, Unlawful	38-28
	Section 38-4-7 - Connection to System Required	38-28
	Section 38-4-8 - 38-4-9 Reserved	
	<i>Division III – Private Sewage Disposal</i>	
	Section 38-4-10 - Private Sewage System	38-29
	Section 38-4-11 - Health Department Approval	38-29
	Section 38-4-12 - Permit Approval	38-29
	Section 38-4-13 - Compliance with State Requirements	38-29
	Section 38-4-14 - Availability of Public Wastewater	38-29
	Section 38-4-15 - Operation of Private System	38-29
	Section 38-4-16 - Additional Restrictions	38-30
	Section 38-4-17 - Time Constraints for Public Wastewater	38-30
	Section 38-4-18 - 38-4-20 Reserved	
	<i>Division IV – Building Wastewater and Connections</i>	
	Section 38-4-21 - Disturbing System Unlawful	38-30
	Section 38-4-22 - Compliance with Regulating Authorities	38-30
	Section 38-4-23 - Classes of Permits	38-30
	Section 38-4-24 - Cost Borne by Owner	38-30
	Section 38-4-25 - Separate Wastewater; Exception	38-30
	Section 38-4-26 - Old Building Wastewater	38-31
	Section 38-4-27 - Construction Methods	38-31
	Section 38-4-28 - Plumbing Code Requirements	38-31
	Section 38-4-29 - Elevation	38-31
	Section 38-4-30 - Prohibition Connections	38-31
	Section 38-4-31 - Connections to Wastewater Mains	38-31
	Section 38-4-32 - Capacity of Wastewater	38-32
	Section 38-4-33 - Tap-In Supervision and Testing	38-32
	Section 38-4-34 - Inspection	38-32
	Section 38-4-35 - Public Wastewater Connection	38-32
	Section 38-4-36 - Protection of Property	38-33
	Section 38-4-37 - Bond Required	38-33
	Section 38-4-38 - Unlawful Discharges	38-33
	Section 38-4-39 - 38-4-41 Reserved	

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IV	WASTEWATER SYSTEM (CONTINUED)	
	<i>Division V – Extension of Collecting Wastewaters</i>	
	Section 38-4-42 - Permit Required; Authorized Personnel	38-33
	Section 38-4-43 - Extension Permits	38-33
	Section 38-4-44 - Materials	38-34
	Section 38-4-45 - Inspections of Construction	38-34
	Section 38-4-46 - Manholes Required	38-34
	Section 38-4-47 - 38-4-48 Reserved	
	 <i>Division VI – Use of Public Wastewater Facilities</i>	
	Section 38-4-49 - Discharge of Storm Water	38-35
	Section 38-4-50 - Storm Water	38-35
	Section 38-4-51 - Regulations of Wastes	38-35
	Section 38-4-52 - Harmful Effects of Certain Materials	38-35
	Section 38-4-53 - Harmful Wastes; Approval	38-36
	Section 38-4-54 - Interceptors Provided	38-37
	Section 38-4-55 - Flow-Equalizing Facilities	38-38
	Section 38-4-56 - Industrial Wastes Control Manhole	38-38
	Section 38-4-57 - Industrial Waste Testing	38-38
	Section 38-4-58 - Measurements and Tests	38-38
	Section 38-4-59 - Special Arrangements	38-39
	Section 38-4-60 - 38-4-64 Reserved	
	 <i>Division VII – Inspections</i>	
	Section 38-4-65 - Damage	38-39
	Section 38-4-66 - Inspection and Testing	38-39
	Section 38-4-67 - Liability of Village	38-39
	Section 38-4-68 - Private Property Inspections	38-39
	Section 38-4-69 - 38-4-70 Reserved	
	 <i>Division VIII – Sewer Rates</i>	
	Section 38-4-71 - Building Unit Defined	38-40
	Section 38-4-72 - Sewer Revenues	38-40
	Section 38-4-73 - Sewer Accounts	38-40
	Section 38-4-74 - Notice of Rates	38-40
	Section 38-4-75 - Access to Records	38-40
	Section 38-4-76 - Appeals	38-41
	Section 38-4-77 - Basis for Wastewater Service Charges	38-41
	Section 38-4-78 - Measurement of Flow	38-42
	Section 38-4-79 - User Charge System	38-42
	Section 38-4-80 - Computation of Wastewater Service Charge	38-43
	Section 38-4-81 - Surcharge Rate	38-43
	Section 38-4-82 - Sewer Tap-In Fee	38-43
	Section 38-4-83 - 38-4-90 Reserved	
	 <i>Division IX – Penalties</i>	
	Section 38-4-91 - Penalty	38-44
	Section 38-4-92 - Continued Violations	38-44
	Section 38-4-93 - Liability to Village	38-44

CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 **DEPARTMENT ESTABLISHED.** There shall be an executive department of the Village known as the **Public Works Department**. It shall include the Superintendent and employees of the Department. The designated office shall be the Village Hall.

38-1-2 **PUBLIC WORKS COMMITTEE.** The Village Board standing committee on Public Works shall exercise a general supervision over the affairs of the Departments. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Departments.

38-1-3 **SUPERINTENDENT.** The Superintendent shall be subject to the supervision of the Public Works Committee and shall be hereinafter be referred to as the **"Superintendent"**. The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the Village Board and shall hold office until his successor is appointed and qualified. He shall receive such salary as may be provided by the annual budget of the Village Board at the time of his appointment.

38-1-4 **DUTIES OF THE SUPERINTENDENT.** The Superintendent shall exercise general management and control over his respective department.

(A) He shall supervise over and be responsible for the conduct and performance of all employees of the department as a Department Head in accordance with the Employee Code, if any.

(B) He shall be responsible for the operation and maintenance of the Village 's water system and sewer system as provided in this Code.

(C) He shall be the custodian of all vehicles, equipment, structures, and property provided by the Village for the use of his department.

(D) He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(E) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the Village Board.

ARTICLE II – UTILITY 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.

(C) **Using Services Without Paying.** 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.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and 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.

(E) **Service Obtained By Fraud.** All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the Village prior to the first day of the new billing month in which the services are to be discontinued.

(H) **Billing; Utility Shut-off; Hearing.**

(1) All bills for utility services shall be due and payable on the 21st of the month, unless the 21st falls on a weekend, then bills will be due the next business day. If a bill is not paid within **thirty (30) days**, 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. **(Ord. No. 898; 10-20-99)**

(2) Any customer who fails to pay the utility bills within **thirty (30) days** of presentation shall have the utility services disconnected after a written notice by the Clerk has been mailed by first-class mail to the customer, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **twenty (20) days** after billing, specifically advising the customer of the following:

- (a) Name and address of the customer and amount due for services including late penalties.
- (b) The date, time, and location of the hearing to be held.

- (c) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.
- (d) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
- (e) The date of termination.

[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]

- (3) The time, date and location of the hearing shall be determined by the Mayor, the Clerk or the Treasurer. One of these officials shall preside over the hearing and shall make a final determination as to the rights of the consumer and the Village based on the information received at the hearing. **(See Appendix #6)**
- (4) The customer shall be notified within **five (5) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the customer. Notice of the hearing officer's decision shall be made by first-class mail.
- (5) If the hearing officer decides in favor of the Village, the Village shall have the right to discontinue the customer's utility services. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, then the Village shall also have the right to terminate the customer's utility services without further proceedings.
- (6) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the Village shall notify the owner of the property by first-class mail.
- (7) Once utility services have been declared delinquent and ordered to be disconnected, the same shall not be again connected or used until all delinquent account and bills of service are paid in full, including a fee of **Fifty Dollars (\$50.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services.

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered, a Village officer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount to the period covered by the bill.

If the consumer of utility services whose bill is unpaid is not the owner of the premises and the Treasurer has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

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. **(65 ILCS 5/11-139-8) (Ord. No. 898)**

(J) **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. **(65 ILCS 5/11-139-8) (Ord. No. 896; 10-06-99)**

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 **FILED IN RECORDER OF DEEDS.** A copy of this Chapter properly certified by the Village Clerk, shall be filed in the office of the Recorder of Deeds of the County, and shall be deemed notice to all owners of real estate of liability for service supplied to any user of the service of the waterworks system of said Village on their properties.

38-2-4 **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. **(Ord. No. 1065; 08-20-08)**

(A) In the event a consumer makes application for service in a new location, no permit shall issue for such new location until all delinquent bills for such service in the former location occupied by said consumer have been paid, and unless the owner of the premises to which such consumer desires a permit assumes and guarantees payment for any such service in such location.

38-2-5 **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 twelve (12) 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.

38-2-6 **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.

38-2-7 **TEST OF METERS.** Any consumer may request the Village to test the accuracy of his meter. In making application for a meter test, the consumer shall make a deposit of **Twenty-Five Dollars (\$25.00)** per meter. If the meter is found to be inaccurate by **three percent (3%)** or more on full capacity, then the deposit money will be refunded to the consumer and the consumer's bill will be adjusted on the amount on inaccuracy for a **three (3) month** period previous to testing the meter. If the meter is found to be inaccurate within **three percent (3%)** on full capacity, then the Village will retain the amount deposited. **(Ord. No. 1016; 07-05-06)**

38-2-8 **SERVICE FEES.**
(A) **Property Owner.** A service fee of **Fifty Dollars (\$50.00)** shall be paid to the Clerk by any applicant, before any water will be turned on to any premises.

38-2-9 **RETURNED CHECKS AND PAYMENTS.** If any check, ACH transaction or credit card transaction is submitted in payment for utility services, deposits, or other utility related charges, is returned unpaid due to insufficient funds, or for any other reason, there shall be a Service Fee of **Thirty Dollars (\$30.00)** assessed and added to the account. This fee shall be in addition to any other amounts due and payable on the account.

ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:

- (A) **Federal Government.**
- (1) **"Federal Act"** means the federal 1996 Safe Drinking Water Acts Amendments.
 - (2) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
- (B) **State Government.**
- (1) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.
 - (2) **"Director"** means the Director of the Illinois Environmental Protection Agency.
 - (3) **"State Loan"** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.
- (C) **Local Government.**
- (1) **"Approving Authority"** means the Board of Trustees of the Village of Caseyville or where such authority is specifically delegated, the Superintendent of the Water and Sewer Department.
- (D) **"Person"** shall mean any and all persons, natural or artificial, including any individual, firm or company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (E) **Clarification of Word Usage.** **"Shall"** in mandatory; **"may"** is permissible.
- (F) **Water and Its Characteristics.**
- (1) **"ppm"** shall mean parts per million by weight.
 - (2) **"milligrams per liter"** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.
 - (3) **"PH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.
- (G)
- (1) **"Curb Cock"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.
 - (2) **"Easement"** shall mean an acquired legal right for the specific use of land owned by others.
 - (3) **"Service Box"** shall mean a valve box used with corporation or curb cock.
- (H) **Types of Charges.**
- (1) **"Water Service Charge"** shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in this Article, and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
 - (2) **"User Charge"** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.

- (3) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.
- (4) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.
- (5) **"Capital Improvement Charge"** shall mean a charge levied on users to improve, extend or reconstruct the water works.
- (6) **"Local Capital Cost Charge"** shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.
- (7) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (8) **"Useful Life"** shall mean the estimated period during which the water works will be operated.
- (9) **"Water and Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the water system.

38-3-2 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the 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 Appendix #1)**

38-3-3 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water and Sewer 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.

38-3-4 REMOVAL OF METERS. All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

38-3-5 INSTALLING AND MAINTAINING SERVICE LINES. The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **three-fourths (3/4) inch** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency's rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter.

38-3-6 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.

(B) **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the Village shall be open to the inspection of the proper officers and employees of the Village at all reasonable hours.

38-3-7 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. **(Ord. No. 1016; 07-05-06)**

38-3-8 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 condition that the Village shall not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations, extensions or renewals.

38-3-9 RESALE OF WATER. No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

38-3-10 DISCONTINUING SERVICE - DANGEROUS USAGE. The Village shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the Village finds any apparatus or appliances, the operation of which will be detrimental to the water system of the Village or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the Village or, at its option, the Village may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-11 **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the Village.

The Village shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the Village caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the Village. If not so disconnected **five (5) days** after notice, the Village, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-12 **WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the Village Waterworks System for building or construction purposes shall make application therefor to the Superintendent on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Superintendent.

38-3-13 **FIRE HYDRANTS.**

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the Village Limits, shall be owned, maintained and used only by the Village and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the Village and after approved application to the Village.

(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.

38-3-14 **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.

38-3-15 **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.

38-3-16 **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.

38-3-17 **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the Village and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Superintendent.

38-3-18 **USE OF WATER ON CONSUMER'S PREMISES.** The Village shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the Village for the water used by the Village.

38-3-19 **ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND VILLAGE.** The Village shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the Village 's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

38-3-20 **VILLAGE NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The Village shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The Village shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the 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.

38-3-21 **WATER WELL PERMITS REQUIRED.** It shall be unlawful to drill a water-well in the Village without the proper permits from the State of Illinois and the Village Board. All wells shall comply with the Cross-Connection Code in this Chapter. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

38-3-22 **ABANDONED CONNECTION.** Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

38-3-23 **ALTERNATIVE WATER SOURCE.** Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

38-3-24 **RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the Village, subject thereto and bound thereby.

38-3-25 - 38-3-30 **RESERVED.**

DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-31 **APPROVED BACKFLOW DEVICE.** All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-32 **CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-33 **INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

38-3-34 **RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

38-3-35 **NOTICE TO CUSTOMER; RECONNECT FEE.**
(A) The Village Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the 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.

38-3-36 **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. 992; 04-20-05)**

38-3-37 - 38-3-40 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-41 **PURPOSE.** The purpose of these Rules and Regulations is:

(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

38-3-42 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village.

38-3-43 **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-37(D)** below for a period of at least **five (5) years**. The Superintendent may require the consumer to submit a cross-connection inspection report to the Village to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-44 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

"Fixed Proper Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

"Auxiliary Water System" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

“Backflow” means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

“Backflow Prevention Device” means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

“Consumer” or “Customer” means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

“Consumer's Water System” means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

“Contamination” means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

“Cross-Connection” means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

“Direct Cross-Connection” means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

“Indirect Cross-Connection” means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

“Double Check Valve Assembly” means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

“Health Hazard” means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

“Inspection” means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

“Non-potable Water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

"Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

"Potable Water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

"Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

"Process fluid(s)" means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

"Reduced Pressure Principle Backflow Prevention Device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

"System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used Water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-45 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-46 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-47 SURVEY AND INVESTIGATIONS.

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Comp. Stat., Ch. 225, Sec. 320/3.

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

- (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (4) Testing and Records
 - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Comp. Stat., Ch. 415, Sec. 5/4(e).
 - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
 - (d) A maintenance log shall be maintained and include:
 - 1. date of each test;
 - 2. name and approval number of person performing the test;
 - 3. test results;
 - 4. repairs or servicing required;
 - 5. repairs and date completed; and
 - 6. serving performed and date completed.

38-3-48 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent and the source is approved by the Illinois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each

service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

38-3-49 **TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-38** of these regulations shall depend on the degree of hazard which exists as follows:

- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
- (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under **Section 38-3-38** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-50 **BACKFLOW PREVENTION DEVICES.**

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University

of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

38-3-51 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.
- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days.**
- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days.**

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

- (1) date of each test or visual inspection;
- (2) name and approval number of person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;
- (5) repairs and date completed; and
- (6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A).**

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-52 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

38-3-53 **VIOLATIONS AND PENALTIES.**

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these Regulations and to the satisfaction of the Superintendent.

(D) Neither the Village, the Superintendent, or its agents or assigns, shall be liable to any customers of the Village for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

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

(F) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(G) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation, whether the same was caused before or after notice.

(Ord. No. 992; 04-20-05)

38-3-54 - 38-3-60 **RESERVED.**

DIVISION IV - EXTENSION OF MAINS

38-3-61 **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. All extensions shall comply with the "Standard Specifications for Water & Sewer Construction in the State of Illinois". **(See Appendix #2)**

38-3-62 **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.

38-3-63 **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.

38-3-64 **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.

38-3-65 **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.

38-3-66 - 38-3-69 **RESERVED.**

DIVISION V – WATER RATES

38-3-70 **BUILDING UNIT DEFINED.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer and such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

38-3-71 **WATER REVENUES.** All revenues and moneys derived from the operation of the water system shall be deposited in the Water Fund. The Village Treasurer shall administer such fund in every respect in the manner provided by 65 ILCS 5/31-35-40 et seq.

38-3-72 **WATER ACCOUNTS.** The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the system, and at regular annual intervals shall cause to be made an audit by an independent auditing concern of the books to show the financial standing of the water system.

38-3-73 **ACCESS TO BOOKS.** The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Loan Agreement with the Village.

38-3-74 **NOTICE OF RATES.** Current water rates are available for review on the Village of Caseyville's website: www.caseyville.org/water-rates-bill-pay/

38-3-75 **APPEALS.** The method for computation of rates and service charges established for user charges shall be made available to a user within twenty (20) days of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by the Village Treasurer within ninety (90) days after notification of a formal written appeal outlining the discrepancies.

38-3-76 **ADEQUACY OF SERVICE CHARGES.** The adequacy of the water service charge shall be reviewed periodically by the Village Board of Trustees with assistance from the Village Engineer Village Treasurer. The water service charge rates shall be revised to reflect the change in local capital costs or operation, maintenance and replacement costs. The rates established by the Village from time to time shall include a basic user charge, a debt service charge, and a capital improvement charge. The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:

- (A) Estimate the annual water volume;
- (B) Estimate the project cost to operate and maintain the water facilities, including a replacement fund for the year, for all works categories;
- (C) Compute costs per ten **(10) gallons.**

The debt service charge is computed by apportioning the annual debt service as a charge per **ten (10) gallons.** The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the water works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per **ten (10) gallons.**

38-3-77 **COMPUTATION.** The method for computation of rates and service charges established for user charges in this Article shall be made available to a user within **twenty (20) days** of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village Treasurer within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

38-3-78 **CONNECTION CHARGES.**
(A) **Residential Water Service Tap-On Fees (in Village service) effective October 1, 2022.** Consumers' water service tap-on fees for parties wishing to connect to the Village water system who reside within the corporate limits of the Village shall be as follows:

- (1) All water consumers wishing to tap-on with a **three-fourths (3/4) inch** service connection shall be charged the fee of **two thousand dollars (\$2,000.00).**
- (2) All water consumers wishing to tap-on with a **one (1) inch** service connection shall be charged the fee of **two thousand five hundred dollars (\$2,500.00).**

- (3) All water consumers wishing to tap-on with a **one and one half (1 1/2) inch, or larger** service connection shall be charged a fee based on time and material and the cost of the bore if one is needed.

(B) **Residential Water Service Tap-On Fees (service outside of corporate limits) effective October 1, 2022.** Consumers' water service tap-on fees for parties wishing to connect to the Village water system who are outside the corporate limits of the Village shall be as follows:

- (1) All water consumers wishing to tap-on with a **three-fourths (3/4) inch** service connection shall be charged the fee of **three thousand dollars (\$3,000.00)**.
- (2) All water consumers wishing to tap-on with a **one (1) inch** service connection shall be charged the fee of **three thousand five hundred dollars (\$3,500.00)**.
- (3) All water consumers wishing to tap-on with a **one and one half (1 1/2) inch, or larger** service connection shall be charged a fee based on time and material and the cost of the bore if one is needed.

(C) **Fire Services Fees.** For fire-related services the fees shall be:

- (1) For fire service tap-on with a **four (4) or six (6) inch** service connection, the fee shall be on a time and material basis.
- (2) There will be a **sixty-five cents (\$0.65)** monthly charge per user for fire hydrant maintenance.

(D) **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 or as directed by the Public Works Superintendent.

38-3-79 WATER RATES.

(A) **Meter Rates for Water Service (Inside Village).** All water sold to users inside the corporate limits shall be metered and the charge for water supplied through meters shall be fixed as follows:

First	2,000 gallons per month	\$32.74 MINIMUM CHARGE
Next	30,000 gallons per month	\$0.095 per 10 gallons
Over	32,000 gallons per month	\$0.090 per 10 gallons

(B) **Meter Rates for Water Service (Outside Village).** All water sold to users outside the corporate limits of the Village shall be metered and the charge for water supplied through meters shall be fixed as follows:

First	2,000 gallons per month	\$41.06 MINIMUM CHARGE
Next	30,000 gallons per month	\$0.109 per 10 gallons
Over	32,000 gallons per month	\$0.104 per 10 gallons

38-3-80 REQUESTED SHUT-OFF. If the account holder requests a temporary suspension of the account, not to exceed **six (6)** months with no change of ownership or occupancy, there will be a **twenty-five dollar (\$25.00)** fee imposed at the time of turn off and there will be a **twenty-five dollar (\$25.00)** fee imposed to have the water turned on again.

If the account holder calls for a disconnection/reconnection after normal business hours, there will be a minimum two (2) hour call out for laborer (Local 100) employee at current overtime rate for each trip to the service address. The Public Works Superintendent may waive this fee if he determines the callout to be an emergency.

38-3-81 AUTOMATIC INCREASES. In the event that the water supplier for the Village raises water rates and charges for the cost and use of water being supplied, then those rates and

charges shall be automatically applied to the rates charged by the Village Water Department to its customers.

38-3-82 TEMPORARY UTILITY PERMIT ESTABLISHED. Any property owner wishing to clean and prepare a structure prior to occupancy shall obtain a temporary utility permit from the Code Enforcement Officer subject to the following restrictions:

(A) A Temporary Utility Permit for the purpose of cleaning and preparing properties for occupancy will be issued only after the initial Occupancy Inspection has been completed.

(B) If the Code Enforcement Officer determines, after the initial inspection that a clear and present danger exists to potential occupants, either structurally or within the electrical system, a Temporary Utility Permit will not be granted until such dangers are corrected and a further inspection has been completed and passed.

(C) A Temporary Utility Permit solely for the purpose of cleaning and preparing properties for occupancy may be issued for a **thirty (30) day** period, should such preparations not be completed within this **thirty (30) day** period, said permit may be renewed once for an additional **thirty (30) day period**, not exceeding a total of **sixty (60) days** from original issue date of original permit. The Temporary Utility Permit issued shall state the expiration date of the permit and that occupancy of the premises without an Occupancy Permit is prohibited. The occupancy of premises with a Temporary Utility Permit and without an Occupancy Permit shall be grounds for the Village to immediately terminate a Temporary Utility Permit.

(D) A Temporary Utility Permit will be issued at the direction of the Public Works Superintendent and the Code Enforcement Officer and may, if denied, be appealed to the Village Board.

(E) Renewals will be made at the direction of the Public Works Superintendent and Code Enforcement Officer and if denied may be appealed to the Village Board.

(F) The fee for a Temporary Utility Permit shall be **seventy-five dollars (\$75.00)** and shall be deposited in the Water Fund.

(G) The water billing shall be transferred to the property owners name and address.

(H) If the property for which this Temporary Utility Permit is being applied for is rental property, the owner of the property shall be responsible for any Water Fees still owed the Village from previous renters of said property and shall be paid in full along with the **seventy-five dollars (\$75.00)** Temporary Utility Permit fee.

(I) If the property for which this Temporary Utility Permit is being applied for is rental property, the owner of the property may choose to leave the water billing under his/her name after the property has passed final inspection and been issued an Occupancy Permit for the property. Should the owner choose to transfer the water billing to the new renter's name, an additional **seventy-five dollars (\$75.00)** service fee shall be paid.

(J) If the property for which this Temporary Utility Permit is being applied for has sewer service available and has not been connected, the sewer line shall be connected and tap-in fees paid prior to the issuance of a final Occupancy Permit.

(K) The Temporary Utility Permit does not grant permission for occupancy. Should occupancy occur prior to passage of an occupancy inspection and issuance of an Occupancy Permit the water service to the property for which a Temporary Utility Permit is granted shall be disconnected until such time as the property is approved for an Occupancy Permit at which time and additional **seventy-five Dollars (\$75.00)** penalty shall be assessed and shall be deposited in the Water Fund

38-3-83 - 38-3-84 RESERVED.

ARTICLE IV - WASTEWATER SYSTEM

DIVISION I - DEFINITIONS

38-4-1 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

"GOVERNMENT, FEDERAL".

(A) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"Federal Act"** means the Federal Clean Water Act (**33 U.S.C. 466 et seq**) as amended, (**Pub. L. 95-217**).

(C) **"Federal Grant"** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

"GOVERNMENT, LOCAL".

(A) **"Approving Authority"** shall mean the Superintendent of the Village or his authorized deputy, agent, or representative.

(B) **"NPDES Permit"** means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(C) **"Person"** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.

(D) **"Inspector"** shall mean the Superintendent or other person or persons duly authorized by the Village to inspect and approve the installation of building sewer and their connection to the sanitary sewer system.

"GOVERNMENT, STATE".

(A) **"Director"** means the Director of the Illinois Environmental Protection Agency.

(B) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.

(C) **"State Grant"** shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

"CLARIFICATION OF WORD USAGE". "Shall" is mandatory; "may" is permissible.

"WASTEWATER TYPES AND APPURTENANCES".

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five (5) feet (1.5 meters)** outside the inner face of the building wall.

(B) **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive 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.

(F) **"Sanitary Sewer"** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

(G) **"Sewer"** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storms, surface and groundwater drainage.

(H) **"Sewer"** shall mean the system of sewer and appurtenances for the collection, transportation and pumping of sewage.

(I) **"Storm Sewer"** shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(J) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the 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.

(B) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(C) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(D) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(E) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) **"Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the sewer system.

(G) **"Surcharge"** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **"User Charge"** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **"Sewer Service Charge"** shall be the charge per quarter or month levied on all users of the Sewer Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **"Reserve Fund Charge"** shall mean a revolving fund for expansion and construction of the sewer system.

"USER TYPES":

(A) **"Control Manhole"** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

(B) **"Industrial User"** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **"Residential User"** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **"User Class"** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **"Commercial User"** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

(F) **"Institutional/Governmental User"** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

"WASTEWATER FACILITIES" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

"WATERCOURSE AND CONNECTIONS":

(A) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(B) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"WASTEWATER AND ITS CHARACTERISTICS":

(A) **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days at 20 degrees centigrade (20°C)**, expressed in milligrams per liter.

(B) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".

(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from 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 (1/2) half inch (1.27 centimeters)** in any dimension.

(L) **"Sewage"** is used interchangeably with "sewer".

(M) **"Slug"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than **fifteen (15) minutes more than five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

(N) **"Suspended Solids"** (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.

(O) **"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and sewer treatment facilities provided.

(P) **"Sewer"** shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

(Q) **"Water Quality Standards"** are defined in the Water Pollution Regulations of Illinois.

38-4-2 - 38-4-3 **RESERVED.**

DIVISION II - USE OF PUBLIC WASTEWATERS REQUIRED

38-4-4 **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.

38-4-5 **SEWAGE IN NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the Village, or in 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.

38-4-6 **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.

38-4-7 **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 date of official notice to do so, provided that said public sewer is within **two hundred (200) feet** of the nearest property line and adequate to handle the additional connection, where determined to be required.

(Ord. No. 710; 10-18-89)

38-4-8 - 38-4-9 **RESERVED.**

DIVISION III - PRIVATE SEWAGE DISPOSAL

38-4-10 **PRIVATE SEWAGE SYSTEM.** Where a public sanitary sewer is not available under the provisions of **Section 38-4-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

38-4-11 **HEALTH DEPARTMENT APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the St. Clair County Health Department. The application for such permit shall be made on a form furnished by the Village (**reference Appendix #3**) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **One Hundred Dollars (\$100.00)** shall be paid to the Village at the time the application is filed. **(Ord. No. 710; 10-18-89)**

38-4-12 **PERMIT APPROVAL.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **forty-eight (48) hours** of the receipt of written notice by the Superintendent.

38-4-13 **COMPLIANCE WITH STATE REQUIREMENTS.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **forty thousand (40,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-4-14 **AVAILABILITY OF PUBLIC WASTEWATER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-4-7**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic

tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

38-4-15 OPERATION OF PRIVATE SYSTEM. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

38-4-16 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.

38-4-17 TIME CONSTRAINTS FOR PUBLIC WASTEWATER. When a public sewer becomes available, the building sewer shall be connected to said sewer within **ninety (90) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-4-18 - 38-4-20 RESERVED.

DIVISION IV - BUILDING WASTEWATER AND CONNECTIONS

38-4-21 DISTURBING SYSTEM UNLAWFUL. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-4-22 COMPLIANCE WITH REGULATING AUTHORITIES. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-4-23 CLASSES OF PERMITS.

(A) There shall be **two (2)** classes of building sewer permits as follows:

- (1) Residential sewer service.
- (2) Service to Commercial or Institutional establishments or industrial sewer service.

(B) In either case, the owner or his agent shall make applications on a special form furnished by the Village. **(See Appendix #4)** The fee per connection shall be paid to the Village at the time the application is filed pursuant to this Article.

(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The industry, as a condition of permit authorization, shall provide information describing its sewer constituents, characteristics and type of activity.

38-4-24 COST BORNE BY OWNER. All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

38-4-25 **SEPARATE WASTEWATER: EXCEPTION.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

38-4-26 **OLD BUILDING WASTEWATER.** Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

38-4-27 **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 (4) inches**. If **six (6) inch diameter pipe** is used, the slope shall not be less than **one-eighth (1/8) inch** per foot. If **four (4) inch or five (5) inch diameter pipe** is used, the slope shall not be less **one-fourth (1/4) inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building 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.

38-4-28 **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.

38-4-29 **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 38-4-22** and discharged to the building sewer.

38-4-30 **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.

38-4-31 CONNECTIONS TO WASTEWATER 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 sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

(B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.

(C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of **one-half (1/2) inch** gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

If another method is desired, a detail shall be submitted for review and approval by the Village before the connection is made. Indiscriminate breaking of the sewer main pipe is not allowed.

On Site Inspection. After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

Backfill. To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewer crossing any street, or traveled alley shall be backfilled with CA-86 backfill material.

Concrete Encasement. When a riser is constructed and its height is **four (4) feet** or more measured from the flowline of the sewer main to the top of the riser pipe, the wye connection shall be encased in concrete to a height of at least **one foot six inches (1' 6")** above the flowline of the sewer main. When the height of the riser is less than **four (4) feet** above the flowline of the sewer main, the wye connection shall be backfilled to the top of the riser pipe with carefully placed and compacted granular backfill.

38-4-32 CAPACITY OF WASTEWATER. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewer facilities, including sewer, pump stations and sewer treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-4-33 TAP-IN SUPERVISION AND TESTING. The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village or its representative.

At any time after the installation of the building sewer, the Village may test the building sewer for violation of this ordinance.

38-4-34 INSPECTION. After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission

will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet Village 's requirements.

38-4-35 PUBLIC WASTEWATER CONNECTION. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois**. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

38-4-36 PROTECTION OF PROPERTY. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

38-4-37 BOND REQUIRED. If the applicant for the building sewer permit does not have a general bond on file with the Village, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

38-4-38 UNLAWFUL DISCHARGES. All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-4-39 - 38-4-41 RESERVED.

DIVISION V - EXTENSION OF COLLECTING WASTEWATERS

38-4-42 PERMIT REQUIRED; AUTHORIZED PERSONNEL. No person, other than an authorized employee of the Village, shall make any connection with, uncover, alter or disturb a Village sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the Village, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any Village sewer, without first obtaining a written permit to do so from the Village. **(See Appendix #2)**

38-4-43 EXTENSION PERMITS. Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the Village.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the Village and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this ordinance and all state and federal requirements, the Village shall issue the permit

for construction of the sewer. If otherwise, the application for permit shall be denied by the Village. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the Village, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such application in conformity with the reasons given for denial, and resubmit it to the Village for further consideration.

All permits issued under this Article V shall have an expiration date of **two (2) years** after the date of issuance. Any sewer not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

38-4-44 **MATERIALS.** All sewer extensions shall be constructed of the following materials:

(A) Sewer pipe with diameters **eight (8) inches** and larger shall be one of the following:

- (1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.
- (2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.

(B) Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and

- (1) of comparable material to the sewer main for VCP and PVC pipe.
- (2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

38-4-45 **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. **(See Appendix #5)**

38-4-46 **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.

(Ord. No. 710; 10-18-89)

38-4-47 - 38-4-48 RESERVED.

DIVISION VI - USE OF PUBLIC WASTEWATER FACILITIES

38-4-49 **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-4-50 **STORMWATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewer, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer, or natural outlet.

38-4-51 **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewer, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

38-4-52 **HARMFUL EFFECTS OF CERTAIN MATERIALS.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewer, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than **One Hundred Fifty degrees Fahrenheit (150°F), (65°C).**

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **One Hundred (100) mg/l** or containing substances which may solidify or become viscous at temperatures between **Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (0 and 65°C).**

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower (0.76 hp metric)** or greater shall be subject to the review and approval of the 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 other 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/l as Hg** at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

(I) Materials which exert or cause:

- (1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein. **(Reference Appendix #7)**

(J) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) Any waters or wastes having a pH in excess of 9.5.

(L) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

38-4-53 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 38-4-52** 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 the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge; and/or;
- (3) require control over the quantities and rates for discharge; and/or;
- (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 38-4-42.**

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, articles, and laws.

(C) The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to the issuance of final approval by the Superintendent.

(D) Where multiple process or discharges are present or contemplated at an industry, the Village shall have the authority to require the owner or person to furnish and install more than one control manhole with appurtenances and/or require that all sewer be discharged through a single control manhole or structure with appurtenances described herein.

38-4-54 INTERCEPTORS PROVIDED.

(A) Grease, oil, and sand interceptors shall be provided in accordance with the Illinois State Plumbing Code to assure the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required or at a minimum of once every **four (4) months** in order to maintain minimum design capability or effective volume of the grease interceptor and to prevent carry over of grease into the sanitary sewer system. All fast food and sit-down restaurants shall install a grease interceptor with a capacity of at least **one thousand five hundred (1,500) gallons**, and designed in accordance with **Appendix "A"**. Food establishments that serve a minimum amount of fried foods such as deli sandwich shops, shall install a grease interceptor with a capacity of at least **one thousand (1,000) gallons**, and designed in accordance with **Appendix "B"**.

(B) Users whose operations cause or allow excessive grease to discharge or accumulate in the Village wastewater collection and treatment system may be liable to the Village for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges may also be grounds for sewer service discontinuance.

(C) **Maintenance Log.** A grease trap cleaning/maintenance log indicating each pumping for the previous **twenty-four (24) months** shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the Village or his representative upon request.

(D) **Submittal of Records.** Each user shall submit all cleaning and maintenance records to the Village. The maintenance records shall include the following information:

- (1) Facility name, address, contact person, and phone number.
- (2) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
- (3) Types of maintenance performed.
- (4) Dates maintenance was performed.
- (5) Date of next scheduled maintenance.
- (6) Copies of manifests.
- (7) The user shall be required to submit maintenance records to the Village on an annual basis. Records shall be submitted by **September 1st** of each year. The records shall be submitted to:

Attn: Wastewater Superintendent

(E) The Village will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Village, the user shall be required to perform the maintenance and records of said maintenance within **fourteen (14) calendar days**. Upon inspection by the Village the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(F) **Control Plan for Fats, Oils, Greases (FOG) and Food Waste.**

- (1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the Village a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.
- (2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this Section. There will be no "Grandfathering".

(G) **Exceptions to the Above.** Should existing facilities be hampered by space constraints or restrictions caused by unchangeable plumbing, an alternative interceptor may be approved, provided that:

- (1) Said interceptor and installation is endorsed by a licensed plumbing contractor in regard to its operability.
- (2) Said interceptor and installation is endorsed by the Village Engineer.
- (3) Said interceptor and installation is approved by the Superintendent and the Water and Sewer Committee.

Such installations may be subject to more stringent inspections and maintenance schedules.

38-4-55 **FLOW-EQUALIZING FACILITIES.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-4-56 **INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

38-4-57 **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.

(B) 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.

38-4-58 **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.)

38-4-59 **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 I of this Code)**

(Ord. No. 710; 10-18-89)

38-4-60 - 38-4-64 **RESERVED.**

DIVISION VII - INSPECTIONS

38-4-65 **DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-4-66 **INSPECTION AND TESTING.**

(A) The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

(B) The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewer or waterway or facilities for waste treatment. **(See Appendix #5)**

38-4-67 **LIABILITY OF VILLAGE.** While performing the necessary work on private properties referred to in **Section 38-4-66** above, the Superintendent or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-4-57.**

38-4-68 **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 710; 10-18-89)

38-4-69 - 38-4-70 RESERVED.

DIVISION VIII – SEWER RATES

38-4-71 **BUILDING UNIT DEFINED.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

38-4-72 **SEWER REVENUES.** All revenues and moneys derived from the operation of the sewer system shall be deposited in the Water Fund. All such revenues and moneys shall be held by the Village Clerk separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Clerk not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Village Board.

The Clerk shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the Village".

The Clerk shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

38-4-73 **SEWER ACCOUNTS.** The Village Clerk shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the sewer facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the sewer plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed.
- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.
- (F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged. **(Ord. No. 710; 10-18-89)**

38-4-74 **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 sewer system 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. **(Ord. No. 710; 10-18-89)**

38-4-75 **ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village's system of user charges

or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant. **(Ord. No. 710; 10-18-89)**

38-4-76 APPEALS. The method for computation of rates and service charges established for user charges 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. **(Ord. No. 710; 10-18-89)**

38-4-77 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.

(B) 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 38-4-80** 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.

34-4-78 **MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one hundred (100) gallons.**

(A) If the person discharging wastes into the public sewer procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public 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 waste 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.

38-4-79 **USER CHARGE SYSTEM.** The following rates are established for the User Charge system:

(A) **Rates and Charges for the Use and Service of the Sewerage System (in Village service).** Rates are hereby fixed for the use and service of the sewerage system by users inside the corporate limits as follows:

- (1) **Family dwellings,** units and churches shall be charged **Five Dollars (\$5.00)** per month for each individual unit.
- (2) For each individual unit, gasoline service stations and hotels/motels shall be charged **Eight Dollars Fifty Cents (\$8.50)** per month for the first **two thousand (2,000) gallons** plus **Ten Cents (\$0.10)** per every **one hundred (100) gallons** thereafter.
- (3) For each individual unit, car washes and laundromats shall be charged **Fifteen Dollars Fifty Cents (\$15.50)** per month for the first **two thousand (2,000) gallons** plus **Ten Cents (\$0.10)** per every **one hundred (100) gallons** thereafter.
- (4) Any other business or commercial establishment within the Village corporate boundaries which is not specifically mentioned herein shall be charged **Six Dollars Fifty Cents (\$6.50)** per month for the first **two thousand (2,000) gallons** plus **Ten Cents (\$0.10)** per every **one hundred (100) gallons** thereafter.
- (5) **Schools** of all types shall be charged **Forty-Five Dollars (\$45.50)** per month up to an enrollment of **five hundred (500) students,** and then an additional **Seven Dollars Fifty Cents (\$7.50)** per month for each **one hundred (100) students** thereafter.

(B) **Meter Rates for Sewer Service (outside the corporate limits).** Rates are hereby fixed for the use and service of the sewerage system by users outside the corporate limits as follows:

- (1) **Family dwellings,** units and churches shall be charged **Five Dollars Fifty Cents (\$5.50)** per month for each individual unit.
- (2) For each individual unit, car washes and laundromats shall be charged **Twenty Dollars Fifty Cents (\$20.50)** per month for the first **two thousand (2,000) gallons** plus **Ten Cents (\$0.10)** per every **one hundred (100) gallons** thereafter.
- (3) Any other business or commercial establishment within the Village corporate boundaries which is not specifically mentioned herein shall be charged **Seven Dollars (\$7.00)** per month for the first **two thousand (2,000) gallons** plus **Ten Cents (\$0.10)** per every **one hundred (100) gallons** thereafter.

- (3) **Schools** of all types shall be charged **Forty-Six Dollars Fifty Cents (\$46.50)** per month up to an enrollment of **five hundred (500) students**, and then an additional **Eight Dollars Fifty Cents (\$8.50)** per month for each **one hundred (100) students** thereafter. (Ord. No. 1065; 08-20-08)

38-4-80 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 for 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 38-4-81).

38-4-81 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

38-4-82 SEWER TAP-IN FEES.

(A) **Residential.** A tap-on charge for the privilege of using the Sewerage System shall be made for each sewer connection serving an individual. This tap-on charge is hereby established as **One Thousand Eight Hundred Dollars (\$1,800.00)** for all users inside the corporate limits of the Village that have access to the sewer and **One Thousand Nine Hundred Dollars (\$1,900.00)** for all users outside the corporate limits of the Village that have access to the sewer. There shall be an inspection fee of **One Hundred Dollars (\$100.00)** charged for all trips to a job site for inspection as outlined in the plans and specifications dated **December 1, 1959**. All tap-on fees are payable at the time of application for service.

(B) **Commercial Sewer Service Tap-On Fees.** For commercial sewer service tap-ons, the fees shall be:

- (1) For commercial sewer service inside the corporate limits of the Village, the tap-on fee shall be **One Thousand Five Hundred Dollars (\$1,500.00)** per acre for the land and **Five Hundred Dollars (\$500.00)** for the business unit, plus **Five Hundred Dollars (\$500.00)** for any other extra unit and **Five Hundred Dollars (\$500.00)** for a second floor unit.
- (2) For commercial sewer service outside the corporate limits of the Village, the tap-on fee shall be **Two Thousand Five Hundred Dollars (\$1,500.00)** per acre for the land and **Five Hundred Dollars (\$500.00)** for the business unit, plus **Five Hundred Dollars (\$500.00)** for any other extra unit and **Five Hundred Dollars (\$500.00)** for a second floor unit.
- (3) In addition to the above two paragraphs, for hotel and motel service, there shall be an extra tap-on fee of **Thirty Dollars (\$30.00)** per unit

or room and an extra tap-on fee of **Five Hundred Dollars (\$500.00)** for a restaurant in the hotel or motel.

- (4) All inspection fees shall be **One Hundred Dollars (\$100.00)** per trip. **(Ord No. 1016; 07-05-06)**

38-4-83 - 38-4-90 RESERVED.

DIVISION IX - PENALTIES

38-4-91 PENALTY. Any person found to be violating any provision of this Code except **Section 38-4-65** shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

38-4-92 CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the time limit provided for in **Section 38-4-50** 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.

38-4-93 LIABILITY TO VILLAGE. Any person violating any of the provisions of this Chapter shall become liable to the Village by reason of such violation.

APPENDIX #3

VILLAGE OF CASEYVILLE

PRIVATE WASTE DISPOSAL APPLICATION
(SEPTIC TANK ETC.)

The undersigned, being the _____ of the property
(owner, owner's agent)
located at _____ does hereby request a permit to install
(Number) (Street)
sanitary sewage disposal facilities to serve the _____ at the location.
(residence, commercial building, etc.)

1. The proposed facilities include: _____ to be constructed in complete accordance with the plans and specifications attached hereunto as **Exhibit "A"**.
2. The area of the property is [_____] square feet or [_____] square meters.
3. The name and address of the person or firm who will perform the work is _____
4. The maximum number of persons to be served by the proposed facilities is _____
5. The location and nature of all sources of private or public water supply within **one hundred (100) feet [30.5 meters]** of any boundary of said property are shown on the plat attached hereunto as **Exhibit "B"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the Village.
2. To accept and abide by all provisions of the **Revised Code** and of all other pertinent codes or ordinances that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the Village and at no expense to the Village.
4. To notify the Village **at least twenty-four (24) hours** to commencement of the work proposed, and again **at least twenty-four (24) hours** prior to the covering of any underground portions of the installation.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

\$ _____ (Inspection Fee Paid) DATE: _____, 20____

\$ _____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #4

VILLAGE OF CASEYVILLE

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to install and
(Number) (Street)
connect a building sewer to serve the _____ at said location.
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>NUMBER</u>	<u>FIXTURE</u>	<u>NUMBER</u>	<u>FIXTURE</u>
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bathtubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify Other Fixtures: _____

- 2. The maximum number of persons who will use the above fixtures is _____.
- 3. The name and address of the person or firm who will perform the proposed work is _____
- 4. Plans and specifications for the proposed building sewer are attached hereunto as **Exhibit "A"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

- 1. To accept and abide by all provisions of the **Revised Code**, and of all other pertinent ordinances and codes that may be adopted in the future.
- 2. To maintain the building sewer at no expense to the Village.
- 3. To notify the Village when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

\$ _____ (Inspection Fee Paid) DATE: _____, 20____

\$ _____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #4

VILLAGE OF CASEYVILLE

INDUSTRIAL SEWER CONNECTION APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to _____
(Number) (Street) (install, use)
an industrial sewer connection serving the _____. which company is engaged in
_____ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as **Exhibit "A"**.
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as **Exhibit "B"**.
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses is attached hereunto as **Exhibit "C"**.
4. The name and address of the person or firm who will perform the work covered by this permit is _____

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Village.
2. To accept and abide by all provisions of the **Revised Code**, and of all other pertinent ordinances or codes that may be adopted in the future.
3. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.
4. To cooperate at all times with the Village and its representative(s) in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the Village immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: _____, 20____ SIGNED: _____
(APPLICANT)

(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

\$ _____ (Inspection Fee Paid) DATE: _____, 20____
\$ _____ (Connection Fee Paid) SIGNED: _____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20____ SIGNED: _____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #1

VILLAGE OF CASEYVILLE

APPLICATION FOR WATER SYSTEM SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for connection to the Water System of the Village for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the Village now in effect or enacted and passed from time to time providing for the regulation of service furnished by the Village, it is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and water usage which shall become due as the result of the connecting of the water mains and the furnishing of water service to the above property, and that all such charges and fees for water service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the Village.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the Village.
6. Permission is hereby granted to the Village and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the Water System.

CONNECTION MUST BE INSPECTED BEFORE BACKFILLING:

SIGNATURE: _____

(STREET NUMBER AND NAME OF STREET)

(VILLAGE, STATE AND ZIP CODE)

(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(NAME)

(STREET NUMBER AND NAME OF STREET)

(VILLAGE, STATE AND ZIP CODE)

APPENDIX #4

VILLAGE OF CASEYVILLE

APPLICATION FOR SANITARY SEWER SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the Village now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the Village. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the Village.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ _____ is enclosed herewith, payable to the Village.
6. Permission is hereby granted to the Village and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

(APPLICANT'S SIGNATURE)

(STREET NUMBER AND NAME OF STREET)

(OWNER'S SIGNATURE, IF NOT APPLICANT)

(VILLAGE, STATE AND ZIP CODE)

(TELEPHONE NUMBER)

(DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(

(NAME)

(STREET NUMBER AND NAME OF STREET)

(

(VILLAGE, STATE AND ZIP CODE)

APPENDIX #4
VILLAGE OF CASEYVILLE
R E C E I P T

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection is made, inspection and approval of the customer service line by an authorized representative of the Village is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **Village**.

NOTE:

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.
2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.
3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

WARNING! In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. _____

VILLAGE OF CASEYVILLE
COUNTY OF ST. CLAIR

DATE: _____

ADDRESS: _____

OWNER(S): _____

APPENDIX #5

VILLAGE OF CASEYVILLE

CERTIFICATE OF INSPECTION, APPROVAL AND PERMIT

IT IS HEREBY CERTIFIED THAT inspection has been made of the individually-owned sewer mains and sanitary service connection for the property described below, and said installation is hereby approved as in compliance with the Specifications, Rules and Regulations established by the Revised Code (Ch. 38) of this Municipality.

Permission is hereby granted to complete the construction of said individually-owned sewer main to the Village Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with the Revised Code of this Village.

NO. _____

ADDRESS: _____

TYPE OF CONNECTION:

- _____ Single-Family Residence
- _____ Multiple dwelling or trailer court
- _____ Commercial
- _____ Industrial
- _____ Institutional
- _____ Governmental

INSTALLATION BY: _____

THE SERVICE IS IN OPERATION AS OF THIS _____ DAY OF _____, 20____.

**VILLAGE OF CASEYVILLE
COUNTY OF ST. CLAIR**

SIGNED: _____

APPENDIX #2

VILLAGE OF CASEYVILLE

UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this _____ day of _____, by and between the Utility System of the **Village of Caseyville, Illinois**, hereinafter called the "Utility Department" and _____, hereinafter called the "Depositor".

FIRST: That the Utility Department contracts and agrees to have installed by contract in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of \$_____, the Depositor agrees to deposit and does deposit herewith the cost thereof.

- (A) The lowest responsible bid \$_____.
- (B) Engineering and Inspection Charge \$_____.
- (C) TOTAL: \$_____.

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above written.

**UTILITY DEPARTMENT
VILLAGE OF CASEYVILLE**

**BY: _____
PUBLIC WORKS DIRECTOR**

ATTEST:

VILLAGE CLERK

DEPOSITOR

WITNESSES:

APPENDIX #6

VILLAGE OF CASEYVILLE

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.

VILLAGE CLERK

DATED THIS _____ DAY OF _____,
20_____.

NOTE: After services have been shut off there will be a reconnection fee of \$_____.

APPENDIX #7

VILLAGE OF CASEYVILLE

OBJECTIONABLE MATERIAL EFFLUENT LIMITS

<u>Waste or Chemical</u>	<u>Concentration mg/l</u>
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150° F. (65° C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5

DEVELOPMENT CODE

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
I	ADMINISTRATION	
	<i>Division I – Administration and Enforcement Generally</i>	
	Section 40-1-1 - Code Administration	40-1
	Section 40-1-2 - Duties	40-1
	Section 40-1-3 - Administrative Procedures Generally	40-1
	Section 40-1-4 - Initial Certificates	40-2
	Section 40-1-5 - Application	40-2
	Section 40-1-6 - Duration of Certificate	40-3
	Section 40-1-7 - Final Certificate of Code Compliance	40-3
	Section 40-1-8 - Corrective Action Order	40-3
	Section 40-1-9 - Emergency Measures	40-3
	Section 40-1-10 - Enforcement and Penalties	40-3
	Section 40-1-11 - Professional Seal(s)	40-4
	Section 40-1-12 - Zoning Board of Appeals	40-4
	Section 40-1-13 - Appeals	40-4
	Section 40-1-14 - 40-1-16 Reserved	
	 <i>Division II – Fees</i>	
	Section 40-1-17 - Purpose	40-5
	Section 40-1-18 - Fees for Building, Occupancy, Planning and Zoning Matters	40-5
	Section 40-1-19 - Manufactured Homes Fees	40-6
	Section 40-1-20 - Commercial and Industrial Construction Fees	40-6
	Section 40-1-21 - Development Code Fees	40-6
 II	 ZONING CODE	
	<i>Division I – Establishment of Zoning Division</i>	
	Section 40-2-1 - Purpose of Code	40-15
	Section 40-2-2 - Jurisdiction	40-15
	Section 40-2-3 - Interpretation	40-15
	Section 40-2-4 - Disclaimer of Liability	40-15
	Section 40-2-5 - Separability	40-16
	Section 40-2-6 - Repealer	40-16
	Section 40-2-7 - When Effective	40-16
	Section 40-2-8 - 40-2-9 Reserved	
	 <i>Division II – Terms and Definitions</i>	
	Section 40-2-10 - Construction of Terms	40-16
	Section 40-2-11 - Selected Definitions	40-17
	Section 40-2-12 - 40-2-14 Reserved	
	 <i>Division III – General Zoning Regulations</i>	
	Section 40-2-15 - Establishment of Districts	40-36
	Section 40-2-16 - Zoning Map and District Boundaries	40-36
	Section 40-2-17 - Annual Publication	40-36

ARTICLE

TITLE

PAGE

II

ZONING CODE (CONTINUED)

<i>Section 40-2-18</i>	- <i>Determining Territory of Districts with Precision</i>	<i>40-36</i>
<i>Section 40-2-19</i>	- <i>Annexed Territory</i>	<i>40-37</i>
<i>Section 40-2-20</i>	- <i>General Prohibition</i>	<i>40-37</i>
<i>Section 40-2-21</i>	- <i>Unlisted Use Prohibited</i>	<i>40-37</i>
<i>Section 40-2-22</i>	- <i>Temporary Uses</i>	<i>40-37</i>
<i>Section 40-2-23</i>	- <i>Types of Temporary Uses</i>	<i>40-37</i>
<i>Section 40-2-24</i>	- <i>General Standards for Temporary Uses</i>	<i>40-38</i>
<i>Section 40-2-25</i>	- <i>Meeting Minimum Requirements</i>	<i>40-38</i>
<i>Section 40-2-26</i>	- <i>Access Required</i>	<i>40-38</i>
<i>Section 40-2-27</i>	- <i>Front Setbacks – Corner/Through Lots</i>	<i>40-39</i>
<i>Section 40-2-28</i>	- <i>Front Setbacks in Certain Built-Up Areas</i>	<i>40-39</i>
<i>Section 40-2-29</i>	- <i>Intrusions Into Yards</i>	<i>40-39</i>
<i>Section 40-2-30</i>	- <i>Exception to Height Limits</i>	<i>40-39</i>
<i>Section 40-2-31</i>	- <i>Sewers, Septic Tanks</i>	<i>40-39</i>
<i>Section 40-2-32</i>	- <i>Sump Pump Discharge</i>	<i>40-40</i>
<i>Section 40-2-33</i>	- <i>Water Service Requirements</i>	<i>40-41</i>
<i>Section 40-2-34</i>	- <i>Accessory Structures and Uses</i>	<i>40-41</i>
<i>Section 40-2-35</i>	- <i>Permitted Accessory Structures and Uses</i>	<i>40-41</i>
<i>Section 40-2-36</i>	- <i>Accessory Structures and Use Restrictions</i>	<i>40-42</i>
<i>Section 40-2-37</i>	- <i>40-2-39 Reserved</i>	

Division IV – Zone District Regulations

<i>Section 40-2-40</i>	- <i>"A" – Agricultural District</i>	<i>40-43</i>
<i>Section 40-2-41</i>	- <i>"SR-1" "SR-2" – Single-Family Residence Districts</i>	<i>40-44</i>
<i>Section 40-2-42</i>	- <i>"MH" – Manufactured Home District</i>	<i>40-45</i>
<i>Section 40-2-43</i>	- <i>"MR" – Multiple-Family Residence Districts</i>	<i>40-47</i>
<i>Section 40-2-44</i>	- <i>"B-1" – General Business District</i>	<i>40-48</i>
<i>Section 40-2-45</i>	- <i>"B-2" – Highway Business District</i>	<i>40-49</i>
<i>Section 40-2-46</i>	- <i>"I-1" – Industrial District</i>	<i>40-51</i>
<i>Section 40-2-47</i>	- <i>"I-2" – Industrial District</i>	<i>40-52</i>
<i>Section 40-2-48</i>	- <i>40-2-49 Reserved</i>	

Division V – Supplementary Regulations for Specific Uses

<i>Section 40-2-50</i>	- <i>Applicability of Article</i>	<i>40-53</i>
<i>Section 40-2-51</i>	- <i>Fences, Walls</i>	<i>40-53</i>
<i>Section 40-2-52</i>	- <i>Commercial Greenhouses, Nurseries</i>	<i>40-54</i>
<i>Section 40-2-53</i>	- <i>Home Occupations</i>	<i>40-54</i>
<i>Section 40-2-54</i>	- <i>Junk Yards</i>	<i>40-54</i>
<i>Section 40-2-55</i>	- <i>Commercial Kennels</i>	<i>40-54</i>
<i>Section 40-2-56</i>	- <i>Nursing Homes</i>	<i>40-55</i>
<i>Section 40-2-57</i>	- <i>Recreational Vehicles</i>	<i>40-55</i>
<i>Section 40-2-58</i>	- <i>Sanitary Landfills</i>	<i>40-55</i>
<i>Section 40-2-59</i>	- <i>Schools</i>	<i>40-55</i>
<i>Section 40-2-60</i>	- <i>Service Stations</i>	<i>40-55</i>
<i>Section 40-2-61</i>	- <i>Stables</i>	<i>40-56</i>
<i>Section 40-2-62</i>	- <i>Swimming Pools</i>	<i>40-56</i>
<i>Section 40-2-63</i>	- <i>Utility Substations</i>	<i>40-56</i>
<i>Section 40-2-64</i>	- <i>Reserved</i>	

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
II	ZONING CODE (CONTINUED)	
	<i>Division V – Supplementary Regulations for Specific Uses (Continued)</i>	
	Section 40-2-65 - Adult Businesses	40-57
	Section 40-2-66 - Second-Hand Goods/Re-Sell-It-Shops	40-57
	Section 40-2-67 - Solar Energy Facilities	40-57
	Section 40-2-68 - Wind Energy Facilities	40-58
	Section 40-2-69 - 40-2-72 Reserved	
	 <i>Division VI – Nonconformities</i>	
	Section 40-2-73 - Purpose of Article	40-58
	Section 40-2-74 - Nonconforming Lots	40-59
	Section 40-2-75 - Nonconforming Structures	40-59
	Section 40-2-76 - Nonconforming Uses Occupying a Structure	40-60
	Section 40-2-77 - Nonconforming Uses of Land	40-60
	Section 40-2-78 - Nonconformities Under Permit Authority	40-60
	Section 40-2-79 - Reserved	
	 <i>Division VII – Parking and Loading</i>	
	Section 40-2-80 - Applicability of Article	40-61
	Section 40-2-81 - Existing Parking/Loading Facilities	40-61
	Section 40-2-82 - Off-Street Parking Design Standards	40-61
	Section 40-2-83 - Location of Parking	40-62
	Section 40-2-84 - Design and Location of Off-Street Loading Facilities	40-62
	Section 40-2-85 - Computation of Required Parking/Loading Spaces	40-63
	Section 40-2-86 - Number of Parking and Loading Spaces Required	40-63
	Section 40-2-87 - 40-2-89 Reserved	
	 <i>Division VIII – Minimum Standards for Manufactured Home Parks</i>	
	Section 40-2-90 - Compliance with Statute Applicability of Article	40-66
	Section 40-2-91 - Environmental Requirements	40-67
	Section 40-2-92 - Park Lot Requirements	40-67
	Section 40-2-93 - Recreational Areas	40-67
	Section 40-2-94 - Spacing of Manufactured Homes	40-67
	Section 40-2-95 - Manufactured Home Space Improvements	40-67
	Section 40-2-96 - Park Streets	40-68
	Section 40-2-97 - Utilities	40-68
	Section 40-2-98 - Fire Protection; Hydrants	40-68
	Section 40-2-99 - Service Buildings	40-69
	Section 40-2-100 - Miscellaneous Restrictions	40-69
	Section 40-2-101 - 40-2-104 Reserved	
	 <i>Division IX – Minimum Standards for Travel Trailer Park</i>	
	Section 40-2-105 - Applicability of Article	40-69
	Section 40-2-106 - Environmental Requirements	40-69
	Section 40-2-107 - Park Lot Requirements	40-69
	Section 40-2-108 - Individual Trailer Spaces	40-69

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
II	ZONING CODE (CONTINUED)	
	<i>Division IX – Minimum Standards for Travel Trailer Park (Continued)</i>	
	Section 40-2-109 - Recreational Area	40-70
	Section 40-2-110 - Access and Streets	40-70
	Section 40-2-111 - Utilities	40-70
	Section 40-2-112 - Service Buildings	40-71
	Section 40-2-113 - Miscellaneous Restrictions	40-71
	Section 40-2-114 - Reserved	
	 <i>Division X – Special Permits and Procedures</i>	
	Section 40-2-115 - Special-Use Permits	40-71
	Section 40-2-116 - Temporary Use Permits	40-73
	Section 40-2-117 - Amendments	40-73
	Section 40-2-118 - Zoning Board of Appeals	40-74
	Section 40-2-119 - Appeals	40-74
	Section 40-2-120 - Variances	40-75
 III	 SIGN CONTROL CODE	
	<i>Division I – General Sign Regulations</i>	
	Section 40-3-1 - General Prohibition	40-79
	Section 40-3-2 - Computation of Sign Area Allowance	40-79
	Section 40-3-3 - Signs Not to be Hazardous	40-79
	Section 40-3-4 - Illumination	40-79
	Section 40-3-5 - Movement Prohibited	40-80
	Section 40-3-6 - Structural and Maintenance Requirements	40-80
	Section 40-3-7 - Nonconforming Signs	40-80
	Section 40-3-8 - Permit	40-80
	Section 40-3-9 - Removal	40-80
	 <i>Division II – Regulations Based on Type and Location of Signs</i>	
	Section 40-3-10 - Strictly Prohibited Signs	40-81
	Section 40-3-11 - Permitted Signs	40-81
	Section 40-3-12 - Agricultural, Residential Districts	40-82
	Section 40-3-13 - Commercial and Industrial Districts	40-82
 IV	 FLOOD PLAIN CODE	
	Section 40-4-1 - Purpose	40-84
	Section 40-4-2 - Definitions	40-84
	Section 40-4-3 - Base Flood Elevation	40-86
	Section 40-4-4 - Duties of the Village Administrator	40-86
	Section 40-4-5 - Development Permit	40-87
	Section 40-4-6 - Preventing Increased Flood Heights and Resulting Damages	40-87
	Section 40-4-7 - Protecting Buildings	40-88
	Section 40-4-8 - Subdivision Requirements	40-91
	Section 40-4-9 - Public Health and Other Standards	40-91
	Section 40-4-10 - Variances	40-92

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
IV	FLOOD PLAIN CODE (CONTINUED)	
	Section 40-4-11 - Disclaimer of Liability	40-93
	Section 40-4-12 - Penalty	40-93
	Section 40-4-13 - Abrogation and Greater Restrictions	40-93
V	PLANNED UNIT DEVELOPMENT CODE	
	Section 40-5-1 - Intent and Purpose	40-94
	Section 40-5-2 - Minimize Size and Development Permitted	40-94
	Section 40-5-3 - Planned Residential Development (PRD)	40-95
	Section 40-5-4 - Planned Commercial Development (PCD)	40-96
	Section 40-5-5 - Planned Industrial Development (PID)	40-98
	Section 40-5-6 - Procedures; Approval of Planned Unit Developments	40-98
	Section 40-5-7 - Time Limitations	40-102
	Section 40-5-8 - Amendments to the Development Plan/ Submission in Phases	40-102
	Section 40-5-9 - Guaranty of Improvements	40-103
	Section 40-5-10 - Withdrawal of Application	40-103
VI	LAND SUBDIVISION CODE	
	<i>Division I – Generally</i>	
	Section 40-6-1 - Effect on Article	40-104
	Section 40-6-2 - Suitability for Subdivision Generally	40-104
	Section 40-6-3 - Lot Requirements	40-104
	Section 40-6-4 - Reference Monuments	40-104
	Section 40-6-5 - Street Design Standards	40-105
	Section 40-6-6 - Street Improvements Standards	40-107
	Section 40-6-7 - Blocks	40-108
	Section 40-6-8 - Sidewalks	40-108
	Section 40-6-9 - Sidewalk Construction Standards	40-108
	Section 40-6-10 - Street Name Signs	40-108
	Section 40-6-11 - Utilities	40-109
	Section 40-6-12 - Street Lighting and Utility Easements	40-109
	Section 40-6-13 - Water Facilities	40-109
	Section 40-6-14 - Sanitary Sewers	40-109
	Section 40-6-15 - Drainage and Storm Sewers	40-109
	Section 40-6-16 - Erosion and Sedimentation Control	40-110
	Section 40-6-17 - Reservations for Public Use	40-110
	Section 40-6-18 - 40-6-19 Reserved	
	<i>Division II – Subdivision Procedures</i>	
	Section 40-6-20 - Preliminary Plats	40-111
	Section 40-6-21 - Improvement Plans	40-112
	Section 40-6-22 - Assurance for Completion of Required Improvements	40-113
	Section 40-6-23 - Final Plats	40-114
	Section 40-6-24 - Maintenance Bonds	40-117
	Section 40-6-25 - Subdivision Variances	40-118

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
VI	LAND SUBDIVISION CODE (CONTINUED)	
	<i>Division II – Subdivision Procedures (Continued)</i>	
	Section 40-6-26 - Vacation of Plats	40-118
	Section 40-6-27 - Vacation of Streets and Alleys	40-119
	Section 40-6-28 - Minor Subdivision	40-119
	Section 40-6-29 - Compliance Required Before Issuance of an Initial Certificate of Code Compliance	40-123
	Section 40-6-30 - Prerequisites to the Issuance of a Final Certificate of Code Compliance	40-123
VII	STORMWATER DRAINAGE AND EROSION AND SEDIMENT CONTROL	
	<i>Division I – Authority and Purpose</i>	
	Section 40-7-1 - Authority and Purpose	40-124
	Section 40-7-2 - Other Relevant Permitting	40-124
	Section 40-7-3 - Applicability	40-124
	Section 40-7-4 - Exemptions	40-125
	Section 40-7-5 - Exceptions	40-125
	Section 40-7-6 - Separability	40-126
	Section 40-7-7 - Responsibility	40-126
	Section 40-7-8 - Reference Standards	40-126
	Section 40-7-9 - Reserved	
	<i>Division II – Definitions</i>	
	Section 40-7-10 - Definitions	40-126
	Section 40-7-11 - 40-7-14 Reserved	
	<i>Division III – Stormwater Drainage and Detention</i>	
	Section 40-7-15 - Drainage Plan Submittal Requirements	40-131
	Section 40-7-16 - Minimization of Increases in Runoff Volumes and Rates	40-132
	Section 40-7-17 - Water Quality and Multiple Uses	40-132
	Section 40-7-18 - Design Criteria, Standards, and Methods	40-132
	Section 40-7-19 - Accommodating Flows From Upstream Tributary Areas	40-137
	Section 40-7-20 - Early Completion of Detention Facilities	40-137
	Section 40-7-21 - Stormwater Management	40-138
	Section 40-7-22 - Fee in Lieu of Detention	40-138
	Section 40-7-23 - 40-7-24 Reserved	
	<i>Division IV – Soil Erosion and Sediment Control</i>	
	Section 40-7-25 - Findings	40-138
	Section 40-7-26 - General Principles	40-139
	Section 40-7-27 - Erosion and Sediment Control Plan Submittal Requirements	40-140
	Section 40-7-28 - Design and Operation Standards and Requirements	40-141
	Section 40-7-29 - Maintenance of Control Measures	40-143
	Section 40-7-30 - 40-7-34 Reserved	

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
VII	STORMWATER DRAINAGE AND EROSION AND SEDIMENT CONTROL (CONT'D.)	
	<i>Division V – Long Term Maintenance Responsibility</i>	
	Section 40-7-35 - Long Term Maintenance Responsibility	40-143
	Section 40-7-36 - 40-7-39 Reserved	
	<i>Division VI – Inspections</i>	
	Section 40-7-40 - Inspections	40-144
	Section 40-7-41 - Special Precautions	40-144
	Section 40-7-42 - Amendment of Plans	40-144
	Section 40-7-43 - 40-7-44 Reserved	
	<i>Division VII – Permitting</i>	
	Section 40-7-45 - Application for Permit	40-145
	Section 40-7-46 - Bond Required	40-145
	Section 40-7-47 - Review and Approval	40-145
	Section 40-7-48 - Expiration of Permit	40-145
	Section 40-7-49 - Appeals	40-146
	Section 40-7-50 - Retention of Plans	40-146
	Section 40-7-51 - 40-7-54 Reserved	
	<i>Division VIII – Enforcement</i>	
	Section 40-7-55 - Stop-Work Order; Revocation of Permit	40-146
	Section 40-7-56 - Violations and Penalties	40-147
VIII	CONSTRUCTION CODES	
	<i>Division I – Building Code</i>	
	Section 40-8-1 - International Building Code Adoption	40-150
	Section 40-8-2 - Site Maintenance – Waste Materials	40-150
	Section 40-8-3 - Plumbing Code Adoption	40-150
	Section 40-8-4 - Electrical Code Adoption	40-150
	Section 40-8-5 - International Residential Code 2006 (IRC)	40-151
	Section 40-8-6 - Mechanical Code 2006 (IMC)	40-152
	Section 40-8-7 - International Fuel Gas Code 2006 (IFGC)	40-152
	Section 40-8-8 - International Energy Conservation Code 2009 (IECC)	40-152
	Section 40-8-9 - Illinois Accessibility Code (IAC)	40-152
	Section 40-8-10 - ICC/NSSA Standard for the Design and Construction of Storm Shelters (ICC 500-2008)	40-152
IX	OCCUPANCY PERMIT	
	<i>Division I – Establishment of Occupancy Permits Division</i>	
	Section 40-9-1 - Purpose	40-153
	Section 40-9-2 - 40-9-4 Reserved	
	<i>Division II – Property Maintenance Code</i>	
	Section 40-9-5 - Property Maintenance Code Adoption	40-154

CHAPTER 40

DEVELOPMENT CODE

ARTICLE I – ADMINISTRATION

DIVISION I – ADMINISTRATION AND ENFORCEMENT GENERALLY

40-1-1 **CODE ADMINISTRATION.** The office of Development Code Administrator of the Village of Caseyville is hereby established. The Administrator shall be the executive head of this office. The Board of Trustees may appoint such other employees as may be necessary to carry out the duties of the Administrator's office.

40-1-2 **DUTIES.** The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To review and pass upon applications to the Village in regard to all land use matters, including, but not limited to Building Permits, Site Development Permits, Site Inspection Permits, Sign Permits, Special Use Permits, Variances, Zoning Certificates, Certificates of Use and Occupancy, and Amendments to the Code; **(Ord. No. 1041; 12-19-07)**

(B) To review and forward to the Planning Commission all subdivision plats and site plans;

(C) To inspect land, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;

(D) To review and forward to the Zoning Board of Appeals all applications for variances and appeals;

(E) To review and forward to the Planning Commission all applications for special use permits, temporary use permits, subdivision variances, and amendments;

(F) To maintain or cause to be maintained up-to-date records of this Code and related matters including, but not limited to, district maps, Building Permits, Site Development Permits, Site Inspection Permits, Sign Permits, Special Use Permits, Variances, Zoning Certificates, Certificates of Use and Occupancy, recommendations of the Planning Commission, recommendations of the Zoning Board of Appeals, interpretative decisions of the Zoning Board of Appeals, and amendments to the Code; **(Ord. No. 1041; 12-19-07)**

(G) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the Planning Commission at least once each year;

(H) To annually publish or cause to be published copies of this Code (including the zoning district map) and any amendments thereto **(See Section 40-2-17);**

(I) To provide information to the general public on matters related to this Code; and

(J) To perform such other duties as the Board of Trustees may from time to time prescribe.

40-1-3 **ADMINISTRATIVE PROCEDURES GENERALLY.** This Code incorporates into one legal instrument a wide spectrum of land use and development regulations that are commonly set forth in numerous separate ordinances. Moreover, this Code assigns prime responsibility for administering these diverse regulations to one official: The Administrator. Given this arrangement, the Administrator can function efficiently and effectively only if administrative procedures are drastically streamlined. Therefore this Code eliminates the welter of building permits, plumbing permits, electrical permits, sign permits, mobile home park licenses, occupancy certificates, etc., and substitutes two certificates: The "Initial Certificate of Code Compliance" and the "Final Certificate of Code Compliance".

(Fees for these certificates vary considerably, depending upon the size and complexity of the project and the consequent costs of administrative review.)

Issuance of an Initial Certificate of Code Compliance indicates: 1) that the Administrator has determined, based upon the information contained in the application for said certificate, that the proposed work meets the applicable requirements of this Code; and 2) that, therefore, the proposed work may proceed. Issuance of a Final Certificate of Code Compliance indicates: 1) that the Administrator has determined, by inspection, that the completed work meets all applicable Code requirements; and 2) that, therefore, the completed structure or use may be occupied or put into operation. In making these determinations, the Administrator shall consult technically-qualified persons as necessary.

This Code establishes the "corrective action order" as the Administrator's primary means of Code enforcement. Whenever any violation of this Code occurs—whether such violation involves work in progress, a recently completed structure or use, or even an existing structure or use that is not excused from compliance by virtue of the provisions concerning nonconformities—the Administrator shall issue a corrective action order. The order must be reasonable under all the circumstances of the particular case. Any person aggrieved by any corrective action order may appeal to the Zoning Board of Appeals (**See Section 40-1-13**), but while such appeal is pending any alleged offending work in progress must cease or become a separate violation of this Code. Unless an appeal has successfully been taken, failure to obey a corrective action order shall result in revocation of the Certificate of Code Compliance (whether initial or final) the imposition of penalties and/or court action. (**See Section 40-1-10**) (**Ord. No. 1041; 12-19-07**)

40-1-4 **INITIAL CERTIFICATES.** Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed that entails a value exceeding **One Thousand Five Hundred Dollars (\$1,500.00)** until an Initial Certificate of Code Compliance has been issued. The Administrator shall not issue an Initial Certificate of Code Compliance unless, following consultation with technically-qualified persons as necessary (including other Village officials), he determines that the proposed work conforms to the applicable provisions of this Code.

40-1-5 **APPLICATION.** Every applicant for an Initial Certificate of Code Compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

ITEMS OF INFORMATION TO BE SUBMITTED INCLUDE:

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site (USGS ten-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking/loading spaces and access ways;

- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require.

40-1-6 **DURATION OF CERTIFICATE.** Initial Certificate of Code Compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew Initial Certificates of Code Compliance for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

40-1-7 **FINAL CERTIFICATE OF CODE COMPLIANCE.** No lot recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a Final Certificate of Code Compliance has been issued. The Administrator shall not issue a Final Certificate of Code Compliance until he has determined, by inspection, that the work authorized by the Initial Certificate of Code Compliance has been completed in accordance with approved plans.

40-1-8 **CORRECTIVE ACTION ORDER.** Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action.

(A) **Contents of Order.** The order to take corrective action shall be in writing and shall include:

- (1) a description of the premises sufficient for identification;
- (2) a statement indicating the nature of the violation;
- (3) a statement of the remedial action necessary to effect compliance;
- (4) the date by which the violation must be corrected (**See Section 40-1-8(C).**)
- (5) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (6) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing (**See Section 40-1-13**); and (**Ord. No. 1041; 12-19-07**)
- (7) a statement that failure to obey a corrective action order shall result in revocation of the Certificate of Code Compliance and/or the imposition of fines. (**See Section 40-1-10**)

(B) **Service of Order.** A corrective action order shall be deemed properly served upon the owner occupant, or operator of the offending lot, structure, or use if it is:

- (1) served upon him personally;
- (2) sent by registered mail to his last known address; or
- (3) posted in a conspicuous place on or about the affected premises.

(C) **Stop Orders.** Whenever any work is being done in violation of an Initial Certificate of Code Compliance, the Administrator's corrective action order may state that the violation must cease immediately. (**See Section 40-1-8(A)(4)**). In such case, the corrective action order is equivalent to a stop order. (**See Section 40-2-11 [Stop Order].**)

40-1-9 **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-1-10 **ENFORCEMENT AND PENALTIES.**

(A) Any person who is convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs for each offense. Each day that a violation continues shall be considered a separate offense.

(B) Any person who aids, abets, assists, counsels, commands or induces the commission of an offense against any section of this Code shall be punished as a principal in such offense.

(C) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code. **(Ord. No. 1041; 12-19-07)**

40-1-11 **PROFESSIONAL SEAL(S).** All plans, drawings, and specifications for the design of new construction work, alteration, repair, expansion, addition or modification work for multi-family, commercial and industrial shall be prepared by registered professional architects and engineers as certified by the State of Illinois and shall bear that architect's or engineer's signature and seal in accordance with the State of Illinois' statutes (**225 ILCS 305/2 to 305/40 and 325/1 and 325/49**). All fees and costs related to such professional architectural and engineering services shall be borne by the owner or developer. **(Ord. No. 1041; 12-19-07)**

40-1-12 **ZONING BOARD OF APPEALS.** The Zoning Board of Appeals, originally established under the former Zoning Code, is hereby reestablished (**65 ILCS 5/11-13-3**).

(A) **Incidents of Office.** The Zoning Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within the Village. Each Board member shall be appointed by the President with the advice and consent of the Board of Trustees, and shall hold office for **five (5) years** from the date of his appointment or until his successor has been selected and qualified. **One (1)** of the members so appointed shall be named as chairman at the time of his appointment. Each Board member shall receive for his services, such compensation, if any as is determined from time to time by the Board of Trustees. With the advice and consent of the Board of Trustees, the President may remove any member of the Zoning Board of Appeals for cause, after a public hearing. Vacancies on the Board shall be filled in the same manner as provided for the appointment of new members.

(B) **Meetings, Records.** Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt rules of procedures consistent with this Code and the applicable Illinois statutes. The Board may select such officers as they deem necessary. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board action. The Board shall keep minutes of its proceedings indicating the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board shall be filed immediately in the Board's office, and shall be a public record. **(Ord. No. 1041; 12-19-07)**

40-1-13 **APPEALS.** Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law (**65 ILCS 5/11-13-12**) and the provision of this Section.

(A) **Filing Record Transmittal.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Not more than **five (5) working days** after the

notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case.

(B) **Stay of Further Proceedings.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, a further action shall not be stayed unless the Zoning Board of Appeals or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

(C) **Public Hearing, Notice.** The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing.

- (1) by first class mail to all parties directly affected by the appeal; and
 - (2) by publication in a newspaper of general circulation within the Village.
- The Zoning Board of Appeals shall, within a reasonable time after the public hearing, submit an advisory report to the Board of Trustees.

(D) **Decision by Board of Trustees.** The Board of Trustees shall act on every appeal at their next regularly scheduled meeting following the advisory report from the Zoning Board of Appeals. The Board of Trustees may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing the Board of Trustees has all the power of the Administrator. **(Ord. No. 1041; 12-19-07)**

40-1-14 - 40-1-16 RESERVED.

DIVISION II – FEES

40-1-17 PURPOSE. The Village Planning and Zoning Department charges fees for certain building, occupancy zoning and subdivision matters. Said fees are intended to defray the administrative costs connected with the processing of building, occupancy, planning and zoning matters. These fees do not constitute a tax or other revenue raising device.

40-1-18 FEES FOR BUILDING, OCCUPANCY, PLANNING AND ZONING MATTERS.
The various fees charged for building, occupancy, planning and zoning matters shall be as follows.

(A) **Residential Building Permit Fees.** The fee for a building permit and inspections or residential construction, of new structures, alterations and additions on one and two family residential structures and apartment structures, shall be determined by applying the table of fee rates (**Schedule "A"**) to the total estimated cost of construction as determined heretofore.

- (1) Residential "above or in-ground" swimming pools, accessory buildings and all other miscellaneous residential construction shall be determined by applying the table of fee rates (**Schedule "A"**) to the total estimated cost of construction.
- (2) Building permits are not required for the following: sidewalks, driveways, concrete patios, siding, and replacement of windows or doors. All swimming pools that are more than **two (2) feet** in depth of water must have a permit, shall be inspected, and pay the minimum permit fee.
- (3) Permit processing, plan review, and inspection charges included in the appropriate fee rate.
- (4) The minimum total permit fee shall be paid for each permit.

- (5) The standard permit fee, plan review fee and inspection fee are all included in the total fee shown. Fees for any "additional inspection" required including inspections for compliance with approved development or site plans OR fees for any "extra inspection" that may be required are not shown here and shall be added to the total payment fee at the rate of **One Hundred Dollars (\$100.00)** for each inspection. **(Ord. No. 1041; 12-19-07)**
- (6) A signed **Schedule "C"** is required. **(Appendix "C")**
- (7) An "additional inspection" is defined as an inspection, which is required as a result of unusual or complicated construction.
- (8) An "extra inspection" is defined as an inspection which is made as a result of noncompliance, not ready, lock out, etc.

40-1-19 MANUFACTURED HOMES FEES.

(A) The location of a manufactured home shall not be inspected prior to the placement of said home. Permit process, plan review and inspection charges are included in the table of fee rates **(Schedule "A"). (Appendix A)**

(B) **Permit Process.** For a used manufactured home the passing of an on-site inspection is required prior to placement of said manufactured home with the Village. An inspection fee is required; plus mileage to and from on-site inspections, if said inspection is outside the corporate limits of the Village. The mileage rate to be used is that used by the State of Illinois, Central Management Services. The inspection fee and any mileage fee must be paid prior to the inspection being performed.

For a used manufactured home that passes its on-site inspection said home must also pass an inspection after the manufactured home has been transported and placed within the Village. Occupancy of said home is not permitted until said inspection is passed and a Zoning Certificate and Occupancy Permit have been issued.

For a new manufactured home no on-site inspection is required, after documentation on new manufactured home is confirmed. All new manufactured homes will be inspected after placement of said home and occupancy of said home is not permitted until said inspection is passed and a Zoning Certificate and Occupancy Permit have been issued.

(C) A signed **Schedule "D"** is required. **(Appendix D)**

40-1-20 COMMERCIAL AND INDUSTRIAL CONSTRUCTION FEES. The fee for a building permit and inspection of commercial and industrial construction shall be determined by applying the table fee **(Schedule "B")** to the total estimated cost of construction, as determined heretofore. Permit processing, plan review and inspection charges are included in the table of fee rates **(Schedule "B"). (Appendix B)**

(A) Fees for an "additional inspection" required including inspection for compliance with approved development or site plans OR fees for any "extra inspection" that may be required are not shown here and shall be added to the total payment fee at the rate of **One Hundred Dollars (\$100.00)** for each inspection. **(Ord. No. 1041; 12-19-07)**

(B) An "additional inspection" is defined as an inspection, which is required as a result of unusual or complicated construction.

(C) An "extra inspection" is defined as an inspection which is made as a result of noncompliance, not ready, no-show, lock out, etc.

(D) A signed **Schedule "C"** is required. **(Appendix C)**

40-1-21 DEVELOPMENT CODE FEES.

Occupancy Permit	\$75.00; plus \$50.00 per unit For multi-family
Change in Occupancy Permit (Inspection required)	\$75.00

Occupancy " <u>Extra Inspection</u> " which is defined as an inspection which is made as a result of noncompliance, not ready, no show, lock out, etc.	\$100.00
Special Use Permit/Temporary Use Permit ¹	\$350.00
Land Division:	
Subdivision Review ²	
Preliminary Plat ²	\$350.00; plus \$10.00 per lot
Improvement Plans ²	\$350.00
Final Plat ²	\$350.00; plus \$10.00 per lot
Subdivision Variance ²	\$350.00
Minor Subdivision ³	\$350.00; plus \$10.00 per lot
Development Code, Amendment ²	\$350.00
Development Code, Zoning Appeal ²	\$350.00
Development Code, Variance ²	\$350.00
Corrective Action Order Appeal ²	\$350.00
Electrical Inspection, per Inspection	\$100.00 per inspection
Electrical Rewire	\$150.00 per inspection
Plumbing Inspection, per Inspection	\$75.00 per inspection
Sign Permit ³	\$100.00
Demolition Permit	\$50.00
Mobile Home Inspection for Occupancy Compliance:	
Inside Village Fee	\$100.00
Outside Village Fee ⁴	\$100.00; plus roundtrip mileage and \$10.00 per hour for inspector time
Hotel/Motel Inspection for Occupancy Compliance	\$100.00; plus \$15.00 per room
Zoning Certificate Fee	\$100.00

(Ord. No. 1044; 12-19-07)

¹ Applicant must pay Village for postage, including Certified Mailing prior to mailing and publication of Public Notice.

² All professional services necessary for Subdivision Review are on a client charge basis and paid 100% by the applicant prior to any final action on said Subdivision.

³ All professional services necessary for Subdivision Review are on a client charge basis and paid 100% by the applicant prior to any final action on said Subdivision.

⁴ Mileage is that which CMS establishes for the State of Illinois use.

Schedule "A"
Residential Permit Fee Schedule
Effective Date 12/01/2018

Cost Thousand	Fee Amount	Cost Thousand	Fee Amount	Cost Thousand	Fee Amount	Cost Thousand	Fee Amount
Up to 1	\$54	Up to 34	\$415	Up to 94	\$854	Up to 300	\$2,234
Up to 2	\$86	Up to 35	\$415	Up to 96	\$871	Up to 310	\$2,306
Up to 3	\$119	Up to 36	\$428	Up to 98	\$884	Up to 320	\$2,362
Up to 4	\$151	Up to 37	\$430	Up to 100	\$899	Up to 330	\$2,418
Up to 5	\$184	Up to 38	\$441	Up to 105	\$925	Up to 340	\$2,487
Up to 6	\$216	Up to 39	\$443	Up to 110	\$968	Up to 350	\$2,548
Up to 7	\$248	Up to 40	\$458	Up to 115	\$996	Up to 360	\$2,615
Up to 8	\$281	Up to 42	\$471	Up to 120	\$1,039	Up to 370	\$2,673
Up to 9	\$311	Up to 44	\$486	Up to 125	\$1,065	Up to 380	\$2,727
Up to 10	\$315	Up to 46	\$497	Up to 130	\$1,111	Up to 390	\$2,803
Up to 11	\$315	Up to 48	\$514	Up to 135	\$1,139	Up to 400	\$2,859
Up to 12	\$315	Up to 50	\$527	Up to 140	\$1,180	Up to 420	\$2,973
Up to 13	\$315	Up to 52	\$540	Up to 145	\$1,210	Up to 440	\$3,099
Up to 14	\$315	Up to 54	\$568	Up to 150	\$1,251	Up to 460	\$3,237
Up to 15	\$315	Up to 56	\$568	Up to 155	\$1,281	Up to 480	\$3,341
Up to 16	\$318	Up to 58	\$586	Up to 160	\$1,307	Up to 500	\$3,455
Up to 17	\$328	Up to 60	\$599	Up to 165	\$1,353	Up to 520	\$3,570
Up to 18	\$328	Up to 62	\$612	Up to 170	\$1,396	Up to 540	\$3,695
Up to 19	\$341	Up to 64	\$624	Up to 175	\$1,424	Up to 560	\$3,773
Up to 20	\$341	Up to 66	\$642	Up to 180	\$1,452	Up to 580	\$3,924
Up to 21	\$341	Up to 68	\$657	Up to 185	\$1,480	Up to 600	\$4,036
Up to 22	\$341	Up to 70	\$670	Up to 190	\$1,519	Up to 620	\$4,151
Up to 23	\$341	Up to 72	\$683	Up to 195	\$1,551	Up to 640	\$4,265
Up to 24	\$357	Up to 74	\$700	Up to 200	\$1,580	Up to 660	\$4,378
Up to 25	\$357	Up to 76	\$713	Up to 210	\$1,651	Up to 680	\$4,494
Up to 26	\$374	Up to 78	\$726	Up to 220	\$1,722		
Up to 27	\$374	Up to 80	\$739	Up to 230	\$1,789		
Up to 28	\$382	Up to 82	\$756	Up to 240	\$1,850		
Up to 29	\$382	Up to 84	\$769	Up to 250	\$1,921		
Up to 30	\$382	Up to 86	\$782	Up to 260	\$1,977		
Up to 31	\$400	Up to 88	\$797	Up to 270	\$2,046		
Up to 32	\$400	Up to 90	\$828	Up to 280	\$2,107		
Up to 33	\$400	Up to 92	\$841	Up to 290	\$2,176		

Schedule "B"
Commercial and Industrial Permit Fee Schedule
Effective Date 12/01/2018

Cost	Fee	Cost	Fee	Cost	Fee	Cost	Fee
Thousand	Amount	Thousand	Amount	Thousand	Amount	Thousand	Amount
Up to 1	\$140	Up to 37	\$635	Up to 115	\$1,506	Up to 390	\$4,284
Up to 2	\$192	Up to 38	\$656	Up to 120	\$1,575	Up to 400	\$4,373
Up to 3	\$226	Up to 39	\$659	Up to 125	\$1,616	Up to 420	\$4,548
Up to 4	\$263	Up to 40	\$678	Up to 130	\$1,685	Up to 440	\$4,745
Up to 5	\$328	Up to 42	\$700	Up to 135	\$1,728	Up to 460	\$4,922
Up to 6	\$373	Up to 44	\$721	Up to 140	\$1,793	Up to 480	\$5,116
Up to 7	\$393	Up to 46	\$741	Up to 145	\$1,836	Up to 500	\$5,291
Up to 8	\$436	Up to 48	\$767	Up to 150	\$1,901	Up to 520	\$5,466
Up to 9	\$455	Up to 50	\$786	Up to 155	\$1,946	Up to 540	\$5,665
Up to 10	\$460	Up to 52	\$810	Up to 160	\$1,990	Up to 560	\$5,838
Up to 11	\$460	Up to 54	\$851	Up to 165	\$2,054	Up to 580	\$6,015
Up to 12	\$460	Up to 56	\$853	Up to 170	\$2,098	Up to 600	\$6,186
Up to 13	\$460	Up to 58	\$872	Up to 175	\$2,167	Up to 620	\$6,363
Up to 14	\$460	Up to 60	\$898	Up to 180	\$2,210	Up to 640	\$6,540
Up to 15	\$460	Up to 62	\$918	Up to 185	\$2,253	Up to 660	\$6,713
Up to 16	\$462	Up to 64	\$942	Up to 190	\$2,318	Up to 680	\$6,888
Up to 17	\$479	Up to 66	\$961	Up to 195	\$2,361	Up to 700	\$7,065
Up to 18	\$479	Up to 68	\$985	Up to 200	\$2,404	Up to 720	\$7,238
Up to 19	\$505	Up to 70	\$1,006	Up to 210	\$2,515	Up to 740	\$7,413
Up to 20	\$505	Up to 72	\$1,028	Up to 220	\$2,623	Up to 760	\$7,588
Up to 21	\$505	Up to 74	\$1,050	Up to 230	\$2,724	Up to 780	\$7,763
Up to 22	\$507	Up to 76	\$1,071	Up to 240	\$2,822	Up to 800	\$7,940
Up to 23	\$507	Up to 78	\$1,093	Up to 250	\$2,930	Up to 820	\$8,113
Up to 24	\$525	Up to 80	\$1,114	Up to 260	\$3,016	Up to 840	\$8,265
Up to 25	\$525	Up to 82	\$1,138	Up to 270	\$3,128	Up to 860	\$8,440
Up to 26	\$548	Up to 84	\$1,160	Up to 280	\$3,128	Up to 880	\$8,615
Up to 27	\$548	Up to 86	\$1,179	Up to 290	\$3,325	Up to 900	\$8,790
Up to 28	\$568	Up to 88	\$1,203	Up to 300	\$3,409	Up to 920	\$8,943
Up to 29	\$568	Up to 90	\$1,246	Up to 310	\$3,450	Up to 940	\$9,118
Up to 30	\$568	Up to 92	\$1,268	Up to 320	\$3,610	Up to 960	\$9,291
Up to 31	\$589	Up to 94	\$1,292	Up to 330	\$3,692	Up to 980	\$9,447
Up to 32	\$589	Up to 96	\$1,311	Up to 340	\$3,803	Up to 980	\$9,447
Up to 33	\$589	Up to 98	\$1,335	Up to 350	\$3,891		
Up to 34	\$611	Up to 100	\$1,354	Up to 360	\$3,999		
Up to 35	\$611	Up to 105	\$1,400	Up to 370	\$4,090		
Up to 36	\$633	Up to 110	\$1,465	Up to 380	\$4,174		

Schedule "B"
Commercial and Industrial Permit Fee Schedule
Effective Date 12/1/2018

Cost	Fee	Cost	Fee	Cost	Fee	Cost	Fee
Millions	Amount	Millions	Amount	Millions	Amount	Millions	Amount
Up to 1.1	\$10,453	Up to 5.4	\$11,437	Up to 16.5	\$12,512	Up to 34.5	\$13,689
Up to 1.2	\$10,479	Up to 5.6	\$11,465	Up to 17.0	\$12,543	Up to 40.0	\$14,031
Up to 1.3	\$10,506	Up to 5.8	\$11,494	Up to 17.5	\$12,575	Up to 40.5	\$14,382
Up to 1.4	\$10,532	Up to 6.0	\$11,523	Up to 18.0	\$12,606	Up to 41.0	\$14,742
Up to 1.5	\$10,558	Up to 6.2	\$11,551	Up to 18.5	\$12,638	Up to 41.5	\$15,110
Up to 1.6	\$10,585	Up to 6.4	\$11,580	Up to 19.0	\$12,669	Up to 42.0	\$15,488
Up to 1.7	\$10,611	Up to 6.6	\$11,609	Up to 19.5	\$12,701	Up to 42.5	\$15,875
Up to 1.8	\$10,638	Up to 6.8	\$11,638	Up to 20.0	\$12,733	Up to 43.0	\$16,272
Up to 1.9	\$10,664	Up to 7.0	\$11,667	Up to 20.5	\$12,765	Up to 43.50	\$16,679
Up to 2.0	\$10,691	Up to 7.2	\$11,696	Up to 21.0	\$12,797	Up to 44.0	\$17,096
Up to 2.1	\$10,718	Up to 7.4	\$11,726	Up to 21.5	\$12,829	Up to 44.5	\$17,523
Up to 2.2	\$10,744	Up to 7.6	\$11,755	Up to 22.0	\$12,861	Up to 45.	\$17,961
Up to 2.3	\$10,771	Up to 7.8	\$11,784	Up to 22.5	\$12,893	Up to 45.5	\$18,410
Up to 2.4	\$10,798	Up to 8.0	\$11,814	Up to 23.0	\$12,925	Up to 46.0	\$18,871
Up to 2.5	\$10,825	Up to 8.2	\$11,843	Up to 23.5	\$12,957	Up to 46.5	\$19,342
Up to 2.6	\$10,852	Up to 8.4	\$11,873	Up to 24.0	\$12,990	Up to 47.0	\$19,826
Up to 2.7	\$10,879	Up to 8.6	\$11,903	Up to 24.5	\$13,022	Up to 47.5	\$20,322
Up to 2.8	\$10,907	Up to 8.8	\$11,932	Up to 25.0	\$13,055	Up to 48.0	\$20,830
Up to 2.9	\$10,934	Up to 9.0	\$11,962	Up to 25.5	\$13,087	Up to 48.5	\$21,351
Up to 3.0	\$10,961	Up to 9.2	\$11,992	Up to 26.0	\$13,120	Up to 49.0	\$21,884
Up to 3.1	\$10,989	Up to 9.4	\$12,022	Up to 26.5	\$13,153	Up to 49.5	\$22,431
Up to 3.2	\$11,016	Up to 9.6	\$12,052	Up to 27.0	\$13,186	Up to 50.0	\$22,992
Up to 3.3	\$11,044	Up to 9.8	\$12,082	Up to 27.5	\$13,219	Up to 150.0	
Up to 3.4	\$11,071	Up to 10.0	\$12,113	Up to 28.0	\$13,252		
Up to 3.5	\$11,099	Up to 10.5	\$12,143	Up to 28.5	\$13,285		
Up to 3.6	\$11,127	Up to 11.0	\$12,173	Up to 29.0	\$13,318		
Up to 3.7	\$11,155	Up to 11.5	\$12,204	Up to 29.5	\$13,351		
Up to 3.8	\$11,182	Up to 12.0	\$12,234	Up to 30.0	\$13,385		
Up to 3.9	\$11,210	Up to 12.5	\$12,265	Up to 30.5	\$13,418		
Up to 4.0	\$11,238	Up to 13.0	\$12,295	Up to 31.0	\$13,452		
Up to 4.2	\$11,266	Up to 13.5	\$12,326	Up to 31.5	\$13,485		
Up to 4.4	\$11,295	Up to 14.0	\$12,357	Up to 32.0	\$13,519		
Up to 4.6	\$11,323	Up to 14.5	\$12,388	Up to 32.5	\$13,553		
Up to 4.8	\$11,351	Up to 15.0	\$12,419	Up to 33.0	\$13,587		
Up to 5.0	\$11,380	Up to 15.5	\$12,450	Up to 33.5	\$13,621		
Up to 5.2	\$11,408	Up to 16.0	\$12,481	Up to 34.0	\$13,655		

APPENDIX "C"

SCHEDULE "C"
**OWNER'S/BUILDER'S STATEMENT OF UNDERSTANDING,
ACCEPTANCE AND AGREEMENT**

Village of Caseyville, Planning & Zoning Department

READ CAREFULLY AND SIGN

1. I understand, accept and agree that any permit issued for any building, electrical, plumbing or mechanical work, does not grant the privilege to erect any structure or to use any property for a purpose or in a manner prohibited by the adopted codes, ordinances or regulations of the Village.
2. I understand, accept and agree that the responsibility for assuring that the plans for any proposed construction are in compliance with the provisions of adopted codes, shall rest solely with me as the applicant.
3. I understand, accept and agree that the Village Planning & Zoning Department does not consider subdivision covenant restrictions when reviewing plans.
4. I understand, accept and agree that the Village Planning & Zoning Department does not consider American Disability Act requirement when reviewing plans.
5. I understand, accept and agree that all required setbacks for any building or structure are to be measured from property lines, the location of which be identified by stakes in all zone districts, and the measurements from curbs or similar landmarks can produce errors which may halt construction and require that any part of any structure built in error, be removed.
6. I understand, accept and agree that property corners will be properly staked in all zone districts and that said stakes will remain in place and undisturbed until after the footing/foundation inspection.
7. I understand, accept and agree that all fees for all permits must be paid prior to the issuance of any permit.
8. I understand, accept and agree that permits for private sewage disposal systems and private wells must be obtained from the St. Clair County Health Department.
9. I understand, accept and agree that law requires inspection of all work and that failure to request and secure such inspection is a violation of the Village Development Code.
10. I understand, accept and agree that as the applicant for a permit, I am solely responsible for notifying the County when work has progressed to a point requiring inspection, and for preventing any further work until such inspection has been made and the work determined to be in compliance with applicable codes.
11. I understand, accept and agree that any request for inspection must be made by calling the St. Clair County Building & Zoning Office between the hours of **8:00 a.m.** and **4:30 p.m.**, Monday through Friday, at least **twenty-four (24) hours** prior to time when the inspection is needed. The County attempts to complete each inspection within **forty-eight (48) hours** of its request, but offers no guarantee to do so.
12. I understand, accept and agree that inspections are required at the following stages:
 - FOOTING INSPECTION – Upon completion of the footing and foundation excavation, but prior to pouring any concrete.
 - UNDERGROUND PLUMBING INSPECTION – Upon completion of underground plumbing, but prior to covering.
 - ROUGH-IN PLUMBING INSPECTION – Upon completion of rough-in plumbing, but prior to covering.
 - ROUGH-IN ELECTRICAL INSPECTION – Upon completion of rough-in electric, but prior to covering.
 - ELECTRICAL SERVICE INSPECTION – Upon completion of permanent service.
 - FRAMING INSPECTION – Prior to the covering of structural members.

- FINAL ELECTRICAL INSPECTION – Following completion but prior to occupancy.
- FINAL PLUMBING INSPECTION – Following completion but prior to occupancy.
- FINAL BUILDING INSPECTION – Following completion but prior to occupancy.

ABSOLUTELY CANNOT OCCUPY RESIDENCE UNTIL ALL FINAL INSPECTIONS HAVE BEEN COMPLETED AND OCCUPANCY PERMIT HAS BEEN ISSUED.

**PRIVATE SEWAGE DISPOSAL – CONTACT ST. CLAIR HEALTH DEPARTMENT
19 PUBLIC SQUARE, BELLEVILLE, IL (618) 233-7769
PUBLIC SEWERS – CONTACT THE VILLAGE FOR APPLICABLE PERMITS
10 W. MORRIS ST., CASEYVILLE, IL (618) 344-1234**

13. I understand, accept and agree that should any work performed under a permit issued by the Village fail inspection, I am subject to a re-inspection fee, as established by law.
14. I understand, accept and agree that no Final Certificate of Zoning Compliance shall be issued until all inspections have been made and passed.
15. I understand, accept and agree that prior to occupying any building or structure I will obtain the necessary Occupancy Permit from the Village Planning & Zoning Department.
16. I understand, accept and agree that every temporary electrical service must have G.F.I. protection.
17. I understand, accept and agree that the Illinois Roofing Industry Licensing Act (P.S. 83-1513 Certified January 14, 1985, effective July 1, 1985) states in part.

"It is hereby declared to be the public policy of this State that in order to safeguard the life, health, property and public welfare of its citizens, the business of roofing construction, reconstruction, alteration, maintenance and repair, is a matter affecting public interest, and any person desiring to obtain a certificate to engage in such business as herein defined, shall be required to establish his qualifications to be certified as herein provided". And should the Village of Caseyville issue a permit to me it does so with the understanding that I will comply with the requirements of said Act.

18. I understand, accept and agree that all trash, debris and scrap materials must be placed into appropriate containers and disposed of properly. Burning of any kind is prohibited.
19. I understand, accept and agree that if any permitted work is not completed within **six (6) months** from the date a permit is issued, that permit shall become null and void.

I CERTIFY MY SIGNATURE BELOW, THAT I HAVE READ, UNDERSTAND, AND ACCEPT EACH OF THE PROVISIONS ABOVE, AND WILL ABIDE BY THEM AND BY THE CODES, ORDINANCES, REGULATIONS AND STATUTES OF THE VILLAGE OF CASEYVILLE, ILLINOIS AND THE STATE OF ILLINOIS.

OWNER SIGNATURE _____ DATE _____

PLEASE LIST YOUR CONTRACTORS

BUILDING CONTRACTOR _____ PHONE _____

ADDRESS _____

ELECTRICAL CONTRACTOR _____ PHONE _____

ADDRESS _____

PLUMBING CONTRACTOR _____ PHONE _____

ADDRESS _____

APPENDIX "D"

SCHEDULE "D" MOBILE HOME OWNER'S STATEMENT OF UNDERSTANDING, ACCEPTANCE AND AGREEMENT

Village of Caseyville, Planning & Zoning Department

READ CAREFULLY AND SIGN

1. I understand, accept and agree that any permit issued for the placement of a manufactured home, does not grant the privilege to erect any structure or to use any property for a purpose or in a manner prohibited by the adopted codes, ordinances or regulations of the Village.
2. I understand, accept and agree that the responsibility for assuring that the placement of the manufactured home are in compliance with the provisions of adopted codes, shall rest solely with me as the applicant.
3. I understand, accept and agree that the Village Planning & Zoning Department does not consider subdivision covenant restrictions when reviewing plans.
4. I understand, accept and agree that the Village Planning & Zoning Department does not consider American Disability Act requirement when reviewing plans.
5. I understand, accept and agree that all required setbacks for any building or structure are to be measured from property lines, the location of which be identified by stakes in all zone districts, and the measurements from curbs or similar landmarks can produce errors which may halt construction and require that any part of any structure built in error, be removed.
6. I understand, accept and agree that property corners will be properly marked in all zone districts and that said stakes will remain in place and undisturbed until after the footing/foundation inspection.
7. I understand, accept and agree that all fees for all permits must be paid prior to the issuance of any permit in accordance with the Development Code.
8. I understand, accept and agree that private sewage disposal system and private well permits must be obtained from the St. Clair County Health Department, Environmental Programs, 19 Public Square, Belleville, IL.
9. I understand, accept and agree that law requires inspection of all work and that failure to request and secure such inspection is a violation of the Development Code.
10. I understand, accept and agree that as the applicant for a permit, I am solely responsible for notifying the Code Administrator when work has progressed to a point requiring inspection, and for preventing any further work until such inspection has been made and the work determined to be in compliance with applicable codes.
11. I understand, accept and agree that any request for inspection must be made by calling the St. Clair County Building & Zoning Office between the hours of **8:00 a.m.** and **4:30 p.m.**, Monday through Friday, at least **twenty-four (24) hours** prior to time when the inspection is needed. The County attempts to complete each inspection within **forty-eight (48) hours** of its request, but offers no guarantee to do so.
12. I understand, accept and agree that inspections are required at the following stages:

MANUFACTURED HOMES ON PIERS, RUNNERS OR A SLAB:

1. Call for an inspection upon completion of the footings and foundation excavation, but prior to pouring any concrete.
2. Call for an inspection upon completion of permanent service and the connection to the home is complete.
3. Call for an inspection upon completion of placement of home, front and rear steps installation, removal of the hitch and wheels, after being tied down and skirting installation.

MANUFACTURED HOMES ON PERIMETER FOUNDATIONS:

1. Call for an inspection upon completion of the footings and foundation excavation, but prior to pouring any concrete.
2. Call for an inspection upon completion of permanent service and the connection to the home is complete.
3. Call for an inspection following completion of set-up (front and rear steps must be installed), prior to occupancy.

ABSOLUTELY CANNOT OCCUPY RESIDENCE UNTIL ALL FINAL INSPECTIONS HAVE BEEN COMPLETED AND OCCUPANCY PERMIT HAS BEEN ISSUED.

**PRIVATE SEWAGE DISPOSAL – CONTACT ST. CLAIR HEALTH DEPARTMENT
PUBLIC SEWERS – CONTACT THE VILLAGE OF CASEYVILLE
APPLICABLE PERMITS**

1. I understand, accept and agree that should any work performed under a permit issued by the Village fail inspection, I am subject to a re-inspection fee, as established by law.
2. I understand, accept and agree that no Final Certificate of Zoning Compliance shall be issued until all inspections have been made and passed.
3. I understand, accept and agree that prior to occupying any building or structure I will obtain the necessary Occupancy Permit from the Village Planning & Zoning Department.
4. I understand, accept and agree that every temporary electrical service must have G.F.I. protection.
5. I understand, accept and agree that all trash, debris and scrap materials must be placed into appropriate containers and disposed of properly. Burning of any kind is prohibited.
6. I understand, accept and agree that if any permitted work is not completed within **six (6) months** from the date a permit is issued, that permit shall become null and void.

I CERTIFY BY MY SIGNATURE BELOW, THAT I HAVE READ, UNDERSTAND, AND ACCEPT EACH OF THE PROVISIONS ABOVE, AND WILL ABIDE BY THEM AND BY THE CODES, ORDINANCES, REGULATIONS AND STATUTES OF THE VILLAGE OF CASEYVILLE AND THE STATE OF ILLINOIS.

OWNER SIGNATURE _____ DATE _____

PLEASE LIST YOUR CONTRACTORS

BUILDING CONTRACTOR _____ PHONE _____

ADDRESS _____

ELECTRICAL CONTRACTOR _____ PHONE _____

ADDRESS _____

PLUMBING CONTRACTOR _____ PHONE _____

ADDRESS _____

ARTICLE II – ZONING CODE

DIVISION I – ESTABLISHMENT OF ZONING DIVISION

40-2-1 **PURPOSE OF CODE.** In this Code, a wide spectrum of land use and development controls commonly imposed in numerous separate ordinances are incorporated into one legal instrument. This format is intended to increase the Code users' convenience and, more importantly, to clarify the interrelationship of the various regulations. The overriding purpose of this Code is the protection and promotion of the public health, safety, and welfare. More specifically, the various provisions of this Code are intended to assist in achieving the following objectives:

(A) To encourage the development of buildings and uses in appropriate locations in order to maximize Village-wide social and economic benefits while accommodating the particular needs of all residents;

(B) To protect and enhance the character and stability of sound existing residential, commercial, and industrial areas;

(C) To conserve and increase the value of taxable property throughout the Village;

(D) To ensure the provision of adequate light, air, and privacy for the occupants of all buildings;

(E) To protect property from damage caused by fire, flooding, poorly-controlled stormwater runoff, and adverse soil and topographical conditions;

(F) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(G) To ensure the proper design and improvement of mobile home parks and travel trailer parks;

(H) To promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen;

(I) To establish reasonable standards for the design and improvements of subdivisions and for the retention of adequate open space therein so as to further the orderly and pleasing development of the Village;

(J) To guide the provision of water mains, sanitary sewers, stormwater sewers, and other utilities and services and to reduce the initial costs and future maintenance expenses thereof;

(K) To ensure that all structures are constructed, plumbed, and wired in accordance with recognized national and/or State standards;

(L) To provide for the efficient administration and fair enforcement of the substantive provisions of this Code; and

(M) To clearly and concisely explain the procedures for obtaining variances, subdivisions, special use permits, amendments, and the like.

40-2-2 **JURISDICTION.** This entire Code shall be applicable within the corporate limits of the Village. Moreover, the provisions of this Code pertaining to subdivisions shall be applicable to all territory located within **one and one-half (1.5) miles** of the corporate limits that is not under the subdivision jurisdiction of another municipality.

40-2-3 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the Village, and every requirement imposed in this Code shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-2-4 **DISCLAIMER OF LIABILITY.** Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the Village shall render himself personally

liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101.)**

Any suit brought against any officer, board member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Code shall be defended by the Village Attorney until the final determination of the legal proceedings.

40-2-5 SEPARABILITY. If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

40-2-6 REPEALER. All ordinances or parts thereof that conflict with the provisions of this Code are hereby repealed.

40-2-7 WHEN EFFECTIVE. This Code shall take effect **ten (10) days** after its final passage, approval, and publication as provided by law. **(See 65 ILCS 5/1-2-4)**

40-2-8 - 40-2-9 RESERVED.

DIVISION II – TERMS AND DEFINITIONS

40-2-10 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-11** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-11** shall have their standard English dictionary meanings;

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders;

(C) Words used in the present tense shall include the future tense;

(D) Words used in the singular number shall include the plural number, and the plural the singular;

(E) The term "**shall**" is mandatory; the term "**may**" is discretionary;

(F) The words "**lot**", "**plot**", "**parcel**", "**tract**", and "**site**" shall be synonymous. **(See definition of "lot");**

(G) The words "**extend**", "**enlarge**", "**expand**" shall be synonymous. **(See definition of "enlarge");**

(H) The words "**abutting**", "**adjacent**", and "**contiguous**" shall be synonymous. **(See definition of "abutting");**

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**;

(J) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection; and

(K) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-11 SELECTED DEFINITIONS.

Abutting: Having a common lot line or district line.

Access Way: A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

Accessory Structure or Use: Any structure or use that is:

- (A) subordinate and incidental to a principal structure or use;
- (B) subordinate in size or purpose to the principal structure or use which it serves;
- (C) contributing to the comfort, convenience, and necessity of the occupants of the principal structure or use served; and
- (D) located on the same lot as the principal structure or use served.

Administrator: The official, or his representative, appointed by the Mayor with the advice and consent of the Village Board of Trustees to administer this Code.

Adult Business: Any establishment having as a substantial or significant portion of its stock in trade or business activity in use such as, but not limited to, the following: adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors, rap parlors, adults-only cabarets or adults-only saunas, where nudity and/or explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Adult Entertainment Business: Synonymous with "adult business", as defined herein.

Adult Entertainment Center: An enclosed building or part of an enclosed building, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person nude or in such attire, costume or clothing as to expose to view the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; or female breast, at or below the areola thereof. In addition, the viewing of a live person, in the above described manner, after paying of any admission or fee for the viewing of same activity.

Adults-Only: Any items or activities emphasizing, depicting, describing or relating to nudity, explicitly sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.

Adults-Only Bookstore: An adults-only establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. An establishment, having adults-only items as a substantial or significant portion of its stock, that sells or displays adults-only items for sale to patrons therein.

Adults-Only Cabaret: An establishment or place primarily in the business of featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where nudity and/or explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Adults-Only Motion-Picture Theater: An enclosed building used regularly and routinely for presenting adults-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity, for observation by patrons therein.

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

Aisle: A vehicular traffic way within an off-street parking area, used as a means of ingress/egress from parking spaces.

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, or use of a structure.

Amendment: A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with state law and the procedures set forth herein.

Amortize: To eliminate over time in accordance with an established schedule; applies herein to nonconforming signs.

Anchor: Any approved device used to keep a mobile home firmly attached to the stand on which it is placed.

Animal, Domestic: A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domesticated animals are household pets, and are inclusive of animals, fowl, reptiles and fish such as dogs, cats, parakeets, goldfish and painted turtles.

Animal, Farm: Farm animals are those which have historically been bred, reared and utilized for the production of meat, wool, leather and similar products. This definition is inclusive of all farm animals, fowl, reptiles and fish, such as horses, cattle, rabbits, sheep, geese, chickens, ducks, snakes, and catfish.

Animal Hospital: Any building or portion thereof designed or used for the care, observation, or treatment of animals and which is operated by a Veterinarian licensed by the State of Illinois. An animal hospital is not a kennel for the purposes of this Code. **(Ord. No. 1041; 12-19-07)**

Animal/Poultry Husbandry Traditional: An activity that focuses on chickens, geese, ducks, turkeys, sheep, goats, swine, Hereford cattle, angus cattle, and chalias cattle.

Animal/Poultry Husbandry Non-Traditional: An activity that focuses on any animal not listed as Animal/Poultry Husbandry Traditional by definition of the Village Zoning Code.

Animal, Wild: Wild animals are those animals, fowl, reptiles and fish of the North American Continent not domesticated, such as bears, raccoons, squirrels, alligators, and Gila monsters; animals, fowl, reptiles and fish from other continents shall automatically be considered wild.

Apartment: A dwelling unit situated in a multiple-family dwelling.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision, development, including the areas to be dedicated for street and alley rights-of-way and for public uses.

Area, Net: The entire area within the lot lines of the property proposed for subdivision development, minus the area to be dedicated for street and alley rights-of-way and for public uses.

Arterial Street: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

Asphaltic Concrete: A mixture of petroleum byproducts and gravel used for paving to form a smooth, permanent surface. "Asphaltic concrete" does not mean "oil and chip".

Assisted Living Center: A facility for people needing assistance with Activities of Daily Living (ADL's). Assisted living bridges the gap between independent living and nursing homes. Residents are not able to live by themselves but do not require constant care; persons able to care for themselves except for a few activities. An assisted living center may be an independent, freestanding facility or be part of a continuing care retirement community, consisting of independent living residences and nursing homes. **(Ord. No. 1041; 12-19-07)**

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Automobile Sales Lot: A lot arranged, designed or used for the storage and display for sale of any motor vehicle or any type of trailer, provided, that the trailer is unoccupied; and where no repair work is done except minor incidental repair of automobile or trailer displayed and sold on the premises.

Basement: A story having **one-half (1/2)** or more of its height below the average level of the adjoining ground.

Beer Garden: A privately owned outdoor facility that is adjacent to a business licensed for operation within the Village and further licensed to sell alcohol for consumption on the premises pursuant to authority granted by a local liquor license issued by the Village and a state liquor license issued by the State of Illinois. **(Ord. No. 1041; 12-19-07)**

Betting Parlor: A business establishment for the placing of wagers on any activity, such as, but not limited to athletic competitions, horse or dog racing. **(Ord. No. 1147; 11-20-12)**

Billboard: Any single or multi-faceted sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is affixed.

Block: An area of land entirely bounded by streets, highways, barriers or ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless exterior boundary is a street, highway or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Boarding House: A residential building or portion thereof--other than a motel or hotel--containing lodging rooms for accommodation of **three (3) to ten (10) persons** who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis to the transient public.

Buffer Strip: An area of land--undeveloped except for landscaping, fences, etc.--used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

Buildable Area: That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

Building: Any structure built, used or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind and which is permanently affixed to the land. **(Ord. No. 1041; 12-19-07)**

Building, Completely Enclosed: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building Height: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers, and similar projections (other than signs) shall not be included in calculating building height.

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

Building Permit: A permit issued by the Village to allow for the construction, erection or alteration of a structure, building or lot, which shall be referred to as an Initial Certificate of Code Compliance in this Code. **(Ord. No. 1041; 12-19-07)**

Bulk: Any one or any combination of the following structural or site design characteristics:

- (A) size or height of structure;
- (B) location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) lot area; and
- (D) yards or setbacks.

Canopy, Marquee Sign: Any sign affixed to, painted on, or suspended from an awning, canopy, marquee, or similar overhang.

Catch Basin: A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not readily pass through the sewer.

Centerline:

- (A) the original centerline, where a right-of-way has been widened irregularly; or
- (B) the centerline of any right-of-way having a uniform width;
- (C) the new centerline, whenever a road has been relocated.

Centerline Offset: The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

Certificate of Code Compliance, Final: A permit or other written notification issued by the Administrator indicating that a newly-completed structure complies with all pertinent code requirements and may, therefore, be occupied or used. For example, an occupancy permit may serve as the Final Certificate of Code Compliance. **(Ord. No. 1041; 12-19-07)**

Certificate of Code Compliance, Initial: A permit or other written notification issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore, proceed. For example, a building permit may serve as the Initial Certificate of Code Compliance. **(Ord. No. 1041; 12-19-07)**

Clinic/Medical Mall: A patient facility wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Collector Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial and which may or may not be continuous.

Commercial Greenhouse: See "Nursery".

Commercial Kennel: Any structure or premise or portion thereof on which more than **three (3)** dogs, cats, or other household domestic animals over **four (4) months** of age are kept.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Comprehensive Plan: The plan or any portion thereof adopted by the Village to guide and coordinate the physical and economic development of the Village. The Comprehensive Plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.

Condominium: System of separate ownership of individual units in multiple-unit building. A single real property parcel with all the unit owners having a right in common to use the elements with separate ownership confined to the individual units which are serially designated. **(Ord. No. 1041; 12-19-07)**

Conforming: In compliance with the applicable provisions of this Code.

Convenience Shop: Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple family complex mobile home park, or similar development.

Conventionally-Constructed: A term used to describe any type of dwelling other than a mobile home.

Corrective Action Order: A legally-binding order issued by the Administrator in accordance with the procedures set forth herein, to effect compliance with this Code.

Costs: Any and all amounts incurred by the Village for Services that are performed by the Village Engineer, Village Attorney, any other retained consultant or professional, and the respective staffs of said persons. **(Ord. No. 1041; 12-19-07)**

Cross-Slope: The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

Curb and Gutter, Integral: The rim forming the edge of a street plus the channel for leading off surface water, constructed of poured concrete as a single facility.

Cul-de-Sac: A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

Day Care Center: See "Nursery School".

Dedication: The transfer of ownership and/or maintenance responsibility for a street or other facility to the Village or other public entity by the landowner on whose property said facility is located.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefore.

Developer: This term includes the plural as well as the singular and is defined as any person, firm, association, partnership, corporation, organization or other entity that has a legal, equitable or contractual interest in land and is subdividing the land, constructing structures on the land, or causing improvements to the land. The definition of this term is not intended to include any third parties performing work on the land at the direction of the owner, general contractor or other entity that has an interest in the development of the land. **(Ord. No. 1041; 12-19-07)**

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of the Village wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Code.

Drip Line: A vertical line from the outermost portion of the crown of a tree to the ground.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area, delineated by an all-weather surface.

Drive-In Restaurant: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

- (A) primarily intended for immediate consumption;
- (B) available after a short waiting time; and
- (C) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Duplex (House): A dwelling which has accommodations for two families, without regard to whether such accommodations are identical or not. The units may be either adjacent to each other or on separate floors. **(Ord. No. 1041; 12-19-07)**

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, or other accommodations for the transient public.

Dwelling, Multiple-Family: A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, Single-Family: A detached dwelling containing **one (1)** dwelling unit and intended for the occupancy of **one (1) family**.

Dwelling, Two-Family: A dwelling containing **two (2)** dwelling units.

Dwelling Unit: **One (1)** or more rooms designed or used as living quarters by **one (1) family**. A "dwelling unit" always includes a bathroom and a kitchen.

Easement: A right to use another person's real property for certain limited purposes.

Enclosed: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: To build, construct.

Escrow Deposit: A deposit in case or other approved securities to assure the completion of improvements within a subdivision.

Establishment: Either of the following:

(A) an institutional, business, commercial or industrial activity that is the sole occupant of **one (1)** or more buildings; or

(B) an institutional, business, commercial or industrial activity that occupies a portion of a building such that:

- (1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
- (2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Actually constructed or in operation on the effective date of this Code.

Expenses: Any and all amounts incurred by the Village for, but not limited to, items such as postage, copies, publication, amounts paid to the Recorder of Deeds and amounts paid to any Court Reporter. **(Ord. No. 1041; 12-19-07)**

Family: **One (1)** person, or **two (2)** or more persons related by blood, marriage, or legal adoption, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

Federal Manufactured Home Construction and Safety Standards: Since **June 15, 1976** this has been the national building code for all manufactured homes. This Code, written and administered by the U.S. Department of Housing and Urban Development (HUD), states that "Federal Manufactured Home Construction and Safety Standard means a reasonable standard for the construction, design, and performance of a manufactured home which meets the needs of the public including the need for quality, durability, and safety", (U.S. Public Law 93-383).

Fees: Any and all amounts that are required to be paid by an applicant to the Village at the time of application for any land use request or Initial Certificate of Code Compliance. **(Ord. No. 1041; 12-19-07)**

Fence: A structural enclosure or barrier consisting of wood, wire, vinyl, or metal that partly or fully obscures vision, light, or air and that partially or completely surrounds a zoning lot intended to prevent escape or intrusion or to mark boundaries but not including a hedge, plantings, or natural growth.

Fence, Open: A fence including any gates in said fence which permits direct vision through at least **ninety percent (90%)** of the vertical surface area, e.g., chain link or woven wire without slats.

Fence, Privacy: A fence that is greater than **thirty-six (36) inches** in height or allows less than **eighty percent (80%)** visibility through the fence.

Fence, Protective: A fence including any gates in said fence that encloses an "attractive" facility posing a potential hazard to unsupervised persons, e.g., swimming pool.

Fence, Safety: A solid and substantially built accessory structure placed between pedestrian or vehicular right-of-way and a site containing any hazardous, noxious, or toxic condition.

Flood Elevation, Regulatory: The elevation of the flood that, on the basis of Corps of Engineers data, may be expected to occur once every **one hundred (100) years**.

Floodplain Area: The area adjacent to a water course and its tributaries having an elevation equal to or lower than the regulatory flood elevation. Tracts of land less than **ten (10) acres** in area that, naturally or by landfill, have an elevation higher than the regulatory flood elevation shall be included in the floodplain area if they are surrounded by land in the floodplain area.

Flood Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.

Flush-Mounted Sign: Any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than **eighteen (18) inches**. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

Free-Standing Sign: Any sign supported by one or more uprights, poles, or braces placed in or upon the ground, or any sign supported by any structure erected primarily for the display and support of the sign; provided that a free-standing sign displays only messages associated with the premises on which said sign is situated.

Frontage: The lineal extent of the front (street-side) of a lot.

Frontage Road: A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

Grade: See "Slope".

Grandfather Clause: A lot, structure, or use existing prior to enactment of this Code that does not conform with its applicable provisions. As a nonconforming lot, structure, or use it can remain or continue by allowing it to be "grandfathered" into the Village until such time as there is a cause to alter, enlarge, modify, reconstruct, relocate, or renovate the nonconformity then said lot, structure, or use shall be required to meet all the regulations of the Development Code and all other applicable codes and ordinances.

Graywater: Defined as washing machine water, sewage, hot water tank flushing water and any other water that can be discharged into a sanitary sewer system under the law and regulation of the Illinois Environmental Protection Agency, the Illinois State Plumbing Code and the United States Clean Water Act. **(Ord. No. 1111; 09-15-10)**

Ground Water Table: The level of the subsurface water.

Guarantee: The security for the completion of required public improvements which shall take the form of one of the following at the option of the Board of Trustees: (1) a performance bond; (2) an escrow arrangement to be deposited with the Village Treasurer; (3) a letter of credit certifying that adequate funds are and will be available at a banking or financial institution authorized to do business in the State of Illinois and approved by the Board of Trustees; or (4) any other form of security approved by the Board of Trustees. All guarantees must be approved by the Village Engineer and the Village Attorney. The Village must be the primary recipient of any guarantee, regardless of any other bond or guarantee already posted on a land use project. **(Ord. No. 1041; 12-19-07)**

Hardship: As used in the provisions of this Code pertaining to variances, "hardship" means unreasonably difficulty in complying with Code requirements due to the condition or topography of the land, location of the structure, or similar factors. "Hardship" does not mean personal or family problems or similar matters.

Hereafter: Any time after the effective date of this Code.

Home Occupation: Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

ILCS – Illinois Compiled Statutes, 1992: Pursuant to P.A. 87-1005; effective **January 1993**, the Illinois Compiled Statutes 1992 represent the systematic codification for the statutory laws of Illinois thereby replacing Illinois Revised Statutes 1991.

Illinois Manufactured Housing and Mobile Home Safety Act: An Act to provide for the establishment of safety standards for construction for modular residences and commercial mobile structures. P.A. 78-929, certified **November 14, 1973**, effective **July 1, 1974**; amended by P.A. 79-731, effective **October 1, 1975**. The Act is regulated by the Illinois Department of Public Health.

Immobilize: As applied to a mobile home, “immobilize” means to remove the wheels, tongue, and hitch and placed on a permanent foundation.

Improvements: Any street, curb and gutter, sidewalk, drainage ditch, sewer, catch basin, trees, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.

Improvement Plans: The engineering plans showing types of materials and construction details for the structures to be installed in, or in conjunction with, a development or a subdivision.

Interchange Area: The area of the Village in the vicinity of Illinois Route 157 and Interstate Highway 64.

Intersection: The point at which **two (2)** or more public rights-of-way (generally streets) meet.

Junk: Deteriorated, dilapidated or, and discarded manufactured goods, appliances, fixtures, furniture, machinery, personal property, vehicles or any other thing or part thereof that is in a condition as to be generally unusable and/or inoperable in its existing state and is stored outdoors. Such articles shall include materials made out of glass, metals, paper, plastics, rags, rubber and wood.

Junk Yard: The use of any lot, plot, parcel, tract of land or contiguous groups of the same including any accessory structures thereon, that is used as a salvage yard (sale, storage, display) or for the disassembly or abandonment of junk, including the demolition, dismantling, and abandonment of automobiles or other vehicles and machinery or parts thereof. A junkyard shall include a lot on which **three (3)** or more inoperable vehicles are stored.

Land Use: Includes, but is not limited to, any subdivision, planned unit development, rezoning, special use permit, variance, site plan, land disturbance activities and/or the construction, rehabilitation, remodeling or addition to any structure. **(Ord. No. 1041; 12-19-07)**

Loading Space: An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Local Street: A street serving limited amounts of residential traffic, and used for access to abutting property.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A “lot” may or may not coincide with a “lot of record”.

Lot, Corner: A lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: The lot boundary abutting the street.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the Recorder of Deeds of St. Clair County, Illinois, in accordance with State law.

Lot Width: The mean horizontal width of the lot measured at right angles to the side lot lines.

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

Maintenance Bond: A surety bond approved by the Village, issued to guarantee the maintenance of improvements within a subdivision until such time when said improvements are dedicated to the appropriate public entity.

Manufactured Home: A factory-built structure, transportable in **one (1)** or more sections, which, in the traveling mode, is **eight (8) body feet** or more in width or **forty (40) body feet** or more in length, or when erected on site is **three hundred twenty (320)** or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Approved manufactured homes will have a red metal label permanently affixed to the rear of each towable unit. **(See Appendix A)**

Manufactured Home Community: The manufactured home community consists of sites with appropriate and adequate community services, recreational facilities, utilities, streets and sidewalks provided by the developer. Usually the community resident pays a monthly site-rental fee.

Manufactured Home Quality Assurance Act: Effective **January 1, 2002** the "Act" (HB 0681) charges the Illinois Department of Public Health with adopting requirements for the installation of manufactured homes, with licensing installers of manufactured homes and with licensing the manufacturers of manufactured home. The licensed installer is required to place a manufactured home installation seal on the exterior of the home immediately below the red HUD label. Each seal is numbered so that the Illinois Department of Public Health can determine the installer. The licensed installer will complete a Manufactured Home Installation Certificate, copies of which are to be sent or presented to the Illinois Department of Public Health; dealer; homeowner; and one for the installer to keep.

Manufactured Home Subdivision: In a subdivision, unlike a manufactured home community, individual lots sold to the manufactured home owner instead of the developer. The Village or other

provider will provide public services and land owners follow local codes. Because these homes are usually on permanent foundations the homes are taxed as real property.

Manufactured Housing: *See Appendix A.*

Marginal Access Street: A minor local street providing access to abutting properties.

Massage Parlor: An establishment or place primarily in the business of providing massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Mini-Warehouse: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Comment: Spaces are usually **thirty (30) to four hundred (400) square feet** with direct access to paved driveways. The structures are usually one-story structures and resemble a series of attached garages. The space is often used to store inactive business records, household goods and even antique cars or recreational vehicles. In zones where permitted, the regulations should specify height (one-story usually), distance between structures and width of driveway (**fifteen (15) feet**), and whether outdoor storage is permitted (some allow boats and similar large items). The regulations should specify whether the space can be used for other than storage (rock and roll rehearsal halls, for example), and security measures such as lights, resident manager and fences, should be considered. See Warehouse.

Mobile Home: A movable or portable unit, which is **eight (8) body feet** or more in width and is **thirty-two (32) body feet** or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. A term generally used for "manufactured home" prior to **October 1980** as defined by federal standards since the Department of Housing and Urban Development now regulates the construction of "manufactured home" structures.

Mobile Home, Dependent: A term used to describe a "mobile home" which does not have toilet and bath or shower facilities. A "dependent mobile home" is considered a travel trailer under this Code.

Mobile Home Park: A parcel not less than **five (5) acres** in area in single ownership, control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this Code and State of Illinois regulations.

Mobile Home Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Mobile Home Space: A portion of a mobile home park designed and improved for the placement of **one (1)** mobile home and the private use of the occupants thereof.

Mobile Home Stand: The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

Mobile Structure: Those units defined in the Illinois Manufactured Housing and Mobile Home Safety Act as "mobile homes". The term shall include units designed for the purpose of housing more than **one (1) family**, commercial units, industrial units and educational units. Single family units constructed in accordance with the Federal Manufactured Home Construction and Safety Standard (42 U.S.C. 5401) are not considered "mobile structures".

Mobile or Portable Marquee: A term used to describe any sign designed to be including (but not limited to) signs attached to wood or metal frames designed to be self-supporting or movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Dwelling: A factory-built modular unit designed for dwelling habitation housing, and residential purposes for one or more persons.

Modular Home: A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for **one (1)** or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. A modular home shall be in compliance with the safety codes as promulgated by the Illinois Department of Public Health. An Illinois approved modular unit will have a yellow seal in the shape of Illinois affixed to the electrical panel box of each unit. See Appendix A.

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means:

- (A) lawfully existing on the effective date of this Code but
- (B) not in compliance with the applicable provisions thereof.

Nudity: The display of the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; female breast, at or below the areola thereof, with no covering or with less than fully opaque covering; or, male genitalia, in a discernible turgid state, with or without covering.

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

Nursery School: An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary school age.

Nursing Home: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care. **(See Section 40-2-56) (Ord. No. 1041; 12-19-07)**

Obscene: Any material or performance is obscene if:

- (A) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (B) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (C) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(720 ILCS 5/11-20)

Occupancy Permit: A permit issued by the Village which is required for the occupancy of a residential building, commercial building or industrial building, which shall also be referred to as a Final Certificate of Code Compliance in this Code. **(Ord. No. 1041; 12-19-07)**

Off-Track Betting Establishment (OTB): Refers to sanctioned gambling or horse racing or dog racing outside a race track. **(Ord. No. 1147; 11-20-12)**

Office: Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Official Map: A graphic statement of the capital improvements planned by the Village which require the acquisition of land.

Owner: This term includes the plural as well as the singular and is defined as a person, firm, association, partnership, corporation, organization or combination of any of them which has a legal or equitable interest in real or personal property located within the jurisdiction of the Village. An "owner" includes, but is not limited to, any petitioner, applicant, developer, contractor, builder, property owner, subdivider or party making a land use request. **(Ord. No. 1041; 12-19-07)**

Parking Area/Lot, Off-Street: Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area", depending on the circumstances of its use, may be either a principal use or an accessory use.

Parking Space, Off-Street: An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

Patron: Any customer, patron or visitor to an adult business who is not employed by any operator of said establishment.

Pawnbroker: Any person, firm, corporation or entity engaged in the business of receiving property in pledge or as security for money or other thing advanced to the pawner or pledger of said property. **(Ord. No. 1041; 12-19-07)**

Payday Loan Business: Any person, corporation or business which processes consumer loan transactions, made for a period of **one hundred twenty (120) days** or less, that are secured by: the holding of a check from the consumer; an interest in the consumer's wages; or an authorization to debit the consumer's bank account. **(Ord. No. 1041; 12-19-07)**

Performance Bond: A surety bond approved by the Village, issued to guarantee the installation of required improvements within, or in conjunction with, a subdivision.

Permanent Foundation: A closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line, excluding the use of piers.

Permitted Use: Any use which is or may be, lawfully established, in a particular district(s), provided it conforms with all the requirements applicable to such district(s).

Planned Unit Development (PUD): An area with specified minimum contiguous acreage to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Code. **(Ord. No. 1041; 12-19-07)**

Area of land controlled by landowner to be developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts, created from time to time, under the provision of a municipal zoning ordinance enacted pursuant to the conventional zoning enabling act of the state. **(Ord. No. 1041; 12-19-07)**

A tract of land which is developed as a unit under single ownership or control, which includes **two (2)** or more principal buildings, and which is at least **five (5) acres** in area, except for planned development operated by a municipal corporation which shall be at least **two (2) acres** in area, and planned industrial developments, which shall be at least **ten (10) acres** in area. A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the Village.

Planning Commission: The Planning Commission of the Village of Caseyville, Illinois.

Plat, Final: The final engineering and architectural maps, drawings, and supportive material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the St. Clair County Recorder of Deeds.

Plat, Preliminary: Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

Premises: A lot and all the structures and uses thereon.

Primary Utility: Any utility facility that generates a product including, but not limited to, a water treatment facility, a waste treatment facility or a power generating facility. **(Ord. No. 1041; 12-19-07)**

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Projecting Sign: Any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., and which is approximately perpendicular thereto. A projecting sign displays only messages associated with the structure to which it is attached.

Property Line: See "Lot Line".

Public: As applied to utilities, "public" means either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

Rap Parlor: Any establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Recreational Vehicle: A term encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, boats, snowmobiles, etc.

Renewable Energy: Solar, Wind, Wave Power, Hydroelectricity and biomass; renewable energy sources are primary utilities. **(Ord. No. 1120; 01-19-11)**

Re-Sell-It-Shop: An entity that has as the majority of its business activity the handling of merchandise meeting the definition of second-hand goods. **(Ord No. 1120; 01-19-11)**

Restrictive: Tending to keep within prescribed limits.

Retail: Refers to the sale of goods or services directly to the consumer rather than to another business.

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the Village or other unit of government for streets and alleys.

Roadside Stand: A structure, not permanently fixed to the ground, for the display and sale of products with no space for customers within the structure itself. All roadside stands are deemed to be an accessory use. A roadside stand shall not exceed a ground coverage of **three hundred (300) square feet**, and will be limited to **one (1)** roadside stand per parcel of property. **(Ord. No. 1041; 12-19-07)**

Roof Line: A horizontal line parallel to the average ground level of a building along the front thereof, which delineates the highest point of a flat roof; or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, the line of demarcation between the flat surface and the vertically structured façade, or the line along the front of a building delineating the roof line between eaves and ridge for gable, hip, and gambrel roofs.

Rooming House: See "Boarding House".

Sadomasochistic Activity: Flagellation or torture by or upon a nude person; a person clad in undergarments, a mask or bizarre costume. In addition, the condition of being fettered, bound or otherwise physically restrained with the intent to stimulate or arouse sexually the initiator and/or the recipient.

Salvage Yard: Any lot, parcel, or tract of land or contiguous parcels of land used for the purposes of reclaiming, restoring, and reconditioning or parts thereof for resale or sale.

Sanitary Landfill: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a "sanitary landfill" the refuse is periodically covered with topsoil.

Sanitary Station: A facility within a travel trailer park, built in compliance with the standards of this Code, and used for the disposal of sewage from travel trailer storage tanks.

Sauna: An establishment or place primarily in the business of providing a steam bath and/or massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

Screening: Trees, shrubs, walls, solid fences, etc. used as a means of visual or noise control.

Second-Hand Goods: Goods acquired new from a manufacturer, wholesaler or retailer and then later resold, leased or acquired by a separate entity than first acquired said goods in a new form from the original manufacturer, wholesaler or retailer. **(Ord. No. 1120; 01-19-11)**

Secondary Utility: Any utility facility that transfers a product that was previously generated or will be generated at a separate utility facility including, but not limited to, an electrical substation, gas regulator station, telephone exchange facility or cell tower. **(Ord. No. 1041; 12-19-07)**

Service Building: A structure within a mobile home park or travel trailer park that contains toilet facilities, clothes washers and dryers, and, in some instances, a convenience store.

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A filling station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment: Any use, or establishment wherein services are provided for remuneration either to individuals or to other firms.

Setback: The minimum horizontal distance between a street line and:

- (A) the nearest wall of a building or side of a structure facing such street line or
- (B) the edge of the area of operation of a principal use involving no building or structure.

Setback Line: See "Building Line".

Sexual Activity: Physical sexual contact between individuals, animals or objects (animated or inanimate) that involves the genitalia of at least one person; said contact can be heterosexual, homosexual, auto-erotic or otherwise.

Sexual Conduct: Ultimate sex acts (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. In addition, physical contact, intended to stimulate or arouse sexually the initiator and/or the recipient with a person's unclothed genitalia, buttocks, perineum, anal or pubic regions, or female breast.

Sign: Any object, device, display, or structure, or part thereof, used to advertise, identify, display, or attract attention to a person, establishment, product, service, or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, etc. the term sign includes but is not limited to every projecting sign; freestanding sign; window sign; awning, canopy, marquee sign; changeable copy sign; illuminated sign; moving sign; temporary sign; portable sign; pennants, banners, streamers or any other attention-getting device, or other display whether affixed to a building or erected elsewhere on the premises.

Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of **Division III** of this Code.

Sign Area Allowance: The maximum total sign area of all signs that an establishment is permitted to display.

Single-Family Dwelling: A permanent structure, placed on a permanent foundation, having **one (1)** or more rooms with provisions for living, sanitary and sleeping facilities, arranged for the use of **one (1)** or more individuals. These dwellings shall include site-built, manufactured and modular homes.

Site Development Permit: A permit issued by the Village which is required for the stripping, grading, excavating or filling of any land within jurisdiction of the Village, which shall also be referred to as an Initial Certificate of Code Compliance in this Code. **(Ord. No. 1041; 12-19-07)**

Slope: The degree of inclination of the site or right-of-way, expressed as a percentage.

Solar Energy: Solar powered electrical generation relying on heat engines and photovoltaics and using either passive solar or active solar technologies to capture, convert, and distribute solar energy. Since solar energy is not available at night, energy storage is necessary because modern energy systems assume continuous available energy; thermal mass storage systems are required. **(Ord. No. 1120; 01-19-11)**

Solar Farm: A compilation of solar arrays, thermal mass storage systems and distribution systems, to produce, store and distribute electricity from solar energy. **(Ord. No. 1120; 01-19-11)**

Solar, Residential: A detached dwelling containing one dwelling unit and intended for the occupancy of one family that is either designed or retrofitted to produce, store and distribute electricity from solar energy. **(Ord. No. 1120; 01-1-11)**

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended over-all development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

Special Use Permit: A permit, issued in accordance with the provisions of this Code to allow development of a special use.

Specimen Tree: A tree which has been determined by the Village to be of high value because of its type, size or other criteria, and which has been so designated as part of the official records of the Village.

Stable: A structure situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stop Order: A type of corrective action order used by the Administrator to halt work-in-progress that is in violation of this Code.

Storm Shelter: A building, structure or portion(s) thereof, constructed in accordance with ICC/NSSA Standard for the Design and Construction of Storm Shelters ICC 500 – 2008, as amended from time to time by ICC/NSSA, designated for use during a severe wind storm event such as a hurricane or tornado.

(A) **Community Storm Shelter:** Any storm shelter not defined as a Residential Storm Shelter.

(B) **Residential Storm Shelter:** Any storm shelter serving occupants of dwelling units and having an occupant load not exceeding **sixteen (16) persons**.

(Ord. No. 1120; 01-19-11)

Stormwater Management: Managing the quantity and quality of stormwater using both structural or engineered control devices and systems, as well as operational or procedural practices, but also including strategic site design, measures to control the sources of runoff, and landscape planning. **(Ord. No. 1120; 01-19-11)**

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.

Street, Platted: A street designed, drawn and/or described on a final plat of a subdivision of land or on an instrument of land transfer, that are recorded at the St. Clair County Recorder of Deeds Office.

Street, Private: Any street providing access to abutting property that is not maintained by and dedicated to the Village or other public entity.

Structure: Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Stub Street: A street that is temporarily terminated, but that is planned for future continuation.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

Subdivision: The division of land into **two (2) or more** lots or parcels for the purpose of either:

(A) immediate or future sale, rental or building development or use(s) other than agricultural use or production.

(B) establishment or dedication of a public street or alley through a tract of land regardless of size.

(C) The division of land, as defined by Illinois Compiled Statutes, particularly at **765 ILCS 205** (Plat Act), which required a plat by said statute.

The term "subdivision" shall also include all re-subdivisions of land or lots, excepting conveyances between adjoining owners for the purpose of correcting or adjusting common boundaries.

Subdivision, Minor: A division of land into not more than **two (2) lots**, all of which front upon an existing street, does not involving any new streets, other rights-of-way, easements, public improvements, or other provisions for public areas and facilities and meet minimum lot standards as defined in **Article II** of Development Code. **(Ord. No. 1041; 12-19-07)**

Subdivision Variance: A relaxation in the strict application of the subdivision design and improvements standards.

Temporary Housing: On the same lot while the owner is building a permanent dwelling on the lot or tract. Also, may be for the occupancy by a family member to serve as custodian providing continuing care to the lot owner/resident.

Temporary Use: An event, enterprise, and/or structure used in the Village for a limited time.

Temporary Use Permit: A permit issued by the Village in accordance with the provisions of this Code authorizing the occupation and operation of a temporary use.

Thermal Mass Storage Systems: Systems that store solar energy in the form of heat that can deliver heat at temperatures comparable with conventional power systems to provide continuous energy at times when direct solar powered electrical generation is not available. Thermal mass storage systems are considered part of the solar energy system and therefore part of the Primary Utility function of solar farms, the same as heat engines and photovoltaics are part of the Primary Utility function. **(Ord. No. 1120; 01-19-11)**

Title Loan Business: Any person, corporation or business which process consumer loan transactions, made for a period of **one hundred twenty (120) days** or less, that are secured by a state-issued certificate of title or certificate of ownership for personal property. **(Ord. No. 1041; 12-19-07)**

Topography: The relief features or surface configuration of an area.

Town House: Type of dwelling unit normally having two, but sometimes three, stores; usually connected to a similar structure by a common wall, and commonly (particularly in planned unit developments) sharing and owning in common the surrounding grounds. **(Ord. No. 1041; 12-19-07)**

Travel Trailer: A mobile structure designed for temporary occupancy.

Travel Trailer Park: A lot developed with facilities for accommodating temporarily occupied travel trailers in accordance with the requirements of this Code.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied or maintained.

Utility Substation: A secondary utility facility, includes, but is not limited to, an electrical substation, natural gas regulator station, telephone exchange facility, cell tower, lift station, or water storage facility. **(Ord. No. 1041; 12-19-07)**

Vacant: As applied to a lot, “vacant” means that no structure is situated thereon.

Vacate: To terminate the legal existence of a right-of-way or subdivision, and to so note on the final plat recorded with the St. Clair County Recorder of Deeds.

Variance: A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

Vehicle Repair: A service and building used for vehicle repair with its necessary storage and parking for vehicles while awaiting service or pick-up. Excludes the storage of junk vehicles.

Village: The Village of Caseyville, Illinois.

Wall: An obscuring barrier or enclosure that partly or completely surrounds a zoning lot to prevent escape or intrusion or marks boundaries and whose vertical surface is closed, thus preventing the passage of light, air, or vision in a horizontal plane and which may be constructed of brick, concrete, masonry, metal or similar materials. A wall also serves as a retaining structure or to support a ceiling or foundation and roof.

Warehouse: A building used primarily for the storage of goods and materials. (See definition of Mini-Warehouse.)

Warehousing: Terminal facilities for handling freight with or without maintenance facilities.

Warehousing, Private: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

Warehousing, Public: Terminal facilities available to the general public, at a fee, for the storage of farm products, furniture and other household goods, or commercial or private goods of any nature.

Wholesale: Refers to the sale of goods or services by one business to another business.

Wind Energy: The using of wind turbines to produce electricity.

Wind Farm: The use of individual wind turbines interconnected with a median voltage collection system and communication network to transmit electricity to a substation where the medium voltage electrical current is increased in voltage with a transformer for connection to the high voltage electric power transmission system (grid). **(Ord. No. 1120; 01-19-11)**

Window Sign: Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passer-by of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

Yard: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

Yard, Area: The front, side, and rear yard areas as required under this Code and the zoning district requirements applicable thereto.

Yard, Front: A yard which is bounded by the side lot lines, front lot line, and the building line.

Yard, Rear: A yard which is bounded by side lot lines, rear lot line, and the rear yard building line.

Yard, Side: A yard which is bonded by the rear yard line, front yard line, side yard line, and side lot line.

Zoning Board of Appeals: The Zoning Board of Appeals of the Village of Caseyville, Illinois.

Zoning Map: The map(s) and any amendments thereto designating zoning districts, and incorporated into this Code by reference.

40-2-12 - 40-2-14 RESERVED.

DIVISION III - GENERAL ZONING REGULATIONS

40-2-15 ESTABLISHMENT OF DISTRICTS. In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in **Article I**, the Village is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM AREA*</u>
Agricultural "A"	5 acres	
Single-Family Residence	"SR-1"	5 acres
Single-Family	"SR-2"	5 acres
Mobile Home	"MH"	5 acres
Multiple-Family Residence	"MR"	2 acres
General Business	"B-1"	2 acres
Highway Business	"B-2"	5 acres
Industrial	"I-1"	5 acres
Industrial	"I-2"	5 acres

*The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

40-2-16 ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the Village. This official map, including all notations and other information thereon, is hereby made part of this Code by reference. The Official Zoning Map shall be kept on file in the Administrator's office.

40-2-17 ANNUAL PUBLICATION. In accordance with State Law (**65 ILCS 5/11-13-19**), the Administrator shall publish a legal notice of the zoning map of the Village not later than **March 31** of each year. The Zoning Map will be available to be viewed at the Village Hall. However, no map need be published for any calendar year during which there have been no changes in zoning districts or regulations.

40-2-18 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included within any zoning district, the Administrator, with the advice of the Planning Commission, shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- | | |
|---|-----------------------------------|
| (1) Centerline of any street, alley, or highway | Such centerline. |
| (2) Lot line | Such lot line. |
| (3) Railroad tracks | Right-of-way line of such tracks. |
| (4) Stream | Center of such stream. |
| (5) Section lines, quarter section lines, quarter-quarter section lines, survey lines | Such lines. |

(B) Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such

way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) Any territory (including all bodies of water) within the Village that is not shown on the zoning map as being located within any district shall comply with the zoning regulations of the most restrictive adjoining district.

40-2-19 ANNEXED TERRITORY. Any territory annexed to the Village after the effective date of this Code shall automatically be given the zoning district designation most similar to its classification prior to annexation; provided, that upon the recommendation of the Planning Commission and after a public hearing, the Board of Trustees may zone newly-annexed territory as they see fit.

40-2-20 GENERAL PROHIBITION. No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Article. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Article.

40-2-21 UNLISTED USE PROHIBITED. Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Board of Trustees, following consultation with the Administrator and the Planning Commission, finds that the unlisted use is similar to and compatible with the listed uses they may amend this Article to allow such use. The Board of Trustees decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses. **(See Section 40-2-117)**

40-2-22 TEMPORARY USES. Temporary uses in the Village shall be authorized by the issuance of a temporary use permit. Application for a temporary use permit shall be treated in substantially the same manner as a special use permit. **(See Section 40-2-116).** The following list of uses are considered temporary uses requiring a temporary use permit. All time limits, hours of operations, and duration for said temporary use shall be established at the time of application.

40-2-23 TYPES OF TEMPORARY USES.

- Animal shows or sales.
- Arts and crafts shows, outdoor.
- Carnivals and circuses with mechanical rides.
- Christmas tree sales.
- Construction structures, e.g., contractor's office, model homes, sales offices.
- Emergency housing in response to fire or natural disaster.
- Estate auctions.
- Halloween haunted houses.
- Live entertainment events, e.g., outdoor concerts, cultural events and organized picnics.
- Parades and marches.
- Street fairs, festivals, and block parties.
- Swap meets and rummage sales.
- Temporary residential use.
- Trade fairs.
- Yard and garage sales.

40-2-24 **GENERAL STANDARDS FOR TEMPORARY USES.** The following standards are general and may not apply to every temporary use situation as determined by recommendation to the Board of Trustees by the Planning Commission.

(A) All rides shall have been inspected by the State of Illinois and approved for safety and soundness and shall be surrounded with a restraining barrier to limit access to the ride and other mechanical equipment.

(B) Traffic control and off-street parking shall be provided where necessary in an organized pattern separating public areas from storage areas, mechanical rides, or hazardous use areas and that assures the safe crossing of streets and highways by pedestrians going to the event.

(C) Outdoor lighting shall be required after nightfall to illuminate all pedestrian walkways, entrances to buildings and tents, parking areas, and portable toilet areas. All electrical wiring shall, to the greatest extent possible, be placed in areas generally not open to the public or protected from public contact.

(D) For events lasting longer than **three (3) days**, all facilities for the preparation or dispensing of food shall be approved by St. Clair County Public Health Department.

(E) Litter pick-up from the grounds during the event and trash removal from the site during and after the event shall be provided. All equipment, products, structures, signs, decorations, etc. pertaining to the temporary use shall be removed within **three (3) days** following closure of the event.

(F) Operator or organizers of outdoor temporary event shall furnish plans along with their application as to how drinking fountains, portable toilets, first aid stations, and pens or facilities for exhibition of animals will be provided.

(G) The operators or organizers of the event shall arrange for Village security forces adequate to maintain order at the site.

(H) The operator or organizer of an event shall provide proof of liability insurance in an amount predetermined by the Village Board of Trustees.

(I) Emergency and temporary housing, residential uses shall be authorized for a period up to **one (1) year** and are renewable subject to the following:

(1) Except for custodial care situations, owners requesting emergency and temporary emergency and temporary residential uses shall be located in the rear yard and shall meet side and rear yard setbacks or as authorized by the Administrator.

(2) Water and sewer facilities to the emergency and temporary residential uses shall be connected to the public systems.

(3) Once the permanent structure is complete on said lot, parcel, or tract, the structure for the emergency or temporary residential use shall be removed from the property by the owner within **thirty (30) days**.

(J) Operators and organizers of any temporary use in the Village shall be responsible for securing all other required licenses and certificates from Village departments and governmental entities.

[NOTE: In addition, temporary uses will have to be listed as special uses in the districts selected.]

40-2-25 **MEETING MINIMUM REQUIREMENTS.** No portion of the minimum required area, dimensions, or yards of any lot shall be counted to satisfy the minimum required area, dimensions, or yards of another lot.

40-2-26 **ACCESS REQUIRED.** No building shall be erected on any lot unless such lot abuts, or has permanent easement or access to, a public street, or a private street that conforms to the standards set forth in **Section 40-6-5**.

40-2-27 FRONT SETBACKS – CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-2-28 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise, in all residential and commercial zoning districts, where lots having **fifty percent (50%)** or more of the total frontage on one side of a street between intersections (that is, in one "block") are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setback on that "block" shall be the average of the existing front setbacks; provided however, that in any built-up area, no front setback less than **fifteen (15) feet** shall be permitted, nor shall any front setback greater than **fifty (50) feet** be required.

40-2-29 INTRUSIONS INTO YARDS. To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURE</u>	<u>MAXIMUM INTRUSION</u>
(A) Cornices, chimneys, planters, or similar architectural features	Two (2) feet.
(B) Fire escapes	Four (4) feet.
(C) Patios	None.
(D) Porches, if unenclosed and at ground level	Six (6) feet.
(E) Balconies	Four (4) feet.
(F) Canopies, roof overhangs	Four (4) feet.

40-2-30 EXCEPTION TO HEIGHT LIMITS.

(A) Chimneys, church spires, parapet walls, cooling towers, communication towers elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the Village.

(B) On corner lots, in the triangular portion of land bounded by the street lines of such corner lots and a line joining the two points along those street lines that are **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** and **ten (10) feet** above the level of the adjacent street.

40-2-31 SEWERS, SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Because of the special soil and topographical conditions prevalent in the Village and the urgent need to control water pollution in the Village, whenever the public sewerage system is available, all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the public sewerage system is not available, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, **(225 ILCS 225/1 – 225/24)**, as snow or hereafter amended.

- (2) Illinois Private Sewage Disposal Code No. 4.005, promulgated by the Director of the **Illinois Department of Public Health**, as now or hereafter amended.
- (3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**.
- (4) The St. Clair County Ordinance governing installation of private sanitary systems and septic tanks, as now or hereafter amended.

The Administrator shall not issue any Certificate of Code Compliance unless, following consultation with the Village Engineer, he is satisfied that these requirements will be met.

40-2-32 SUMP PUMP DISCHARGE. In all zoning districts, property owners of all buildings and places where people live, work, or assemble shall provide for the appropriate disposal of all sump pump discharge (ground water) in accordance with the following requirements:

(A) Because of the special soil and topographical conditions prevalent in the Village and the urgent need to control sump pump discharge (ground water) in the Village, whenever the public drainage system is available, all sump pump discharge (ground water) shall be discharged directly into such system, including being tapped into any existing or proposed storm sewer.

(B) Whenever the public drainage system is not available, a private drainage system shall be installed and used. All private drainage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Sump pump discharge (ground water) is prohibited from being discharged into a public sanitary sewer system.
- (2) Sump pump discharge (ground water) is prohibited from discharge into a private sewage disposal system.
- (3) Pertinent, current regulations issued by the Illinois Environmental Protection Agency, Illinois State Plumbing Code and the United States Clean Water Act must be followed.
- (4) Only ground water from a sump pump may be discharged into a public or private drainage system. Gray water may not be discharged into a public or private drainage system. Gray water is defined as washing machine water, sewage, hot water tank flushing water and any other water that can be discharged into a sanitary sewer system under the law and regulation of the Illinois Environmental Protection Agency, the Illinois State Plumbing Code and the United States Clean Water Act.

(C) Sump pump discharge service shall be provided in accordance with the following provisions:

- (1) Sump pump discharge lines shall be installed in trenches at least **twenty-four (24) inches** deep. Following installation, the trenches shall be filled in.
- (2) Owners shall be responsible for extending their discharge lines to within **eighteen (18) inches** of their property line unless the Village agrees that this is not feasible.
- (3) The Village shall not hook onto anything other than **2" PVC**.
- (4) The PVC pipe shall be schedule 40 or Class 200.
- (5) An in-line check valve.
- (6) Must be installed on the owner's side of his service line.
- (7) Every owner's installation will be inspected before service is rendered to ensure that the above requirements are met.

(D) The Administrator shall not issue any initial Certificate of Code Compliance unless, following consultation with the Village Engineer, he is satisfied that these requirements will be met.

(Ord. No. 1111; 09-15-10)

40-2-33 **WATER SERVICE REQUIREMENTS.** Water service shall be provided in accordance with the following provisions:

(A) Water service lines shall be installed in trenches at least **thirty-six (36) inches** deep. Following installation, the trenches shall be filled in.

(B) Customers shall be responsible for extending their service lines to within **eighteen (18) inches** of their property line unless the Water Company agrees that this is not feasible.

(C) The Water Company shall not hook onto anything other than **three-fourths (3/4) inch** copper tubing or **three-fourths (3/4) inch** galvanized pipe or **three-fourths (3/4) inch** high pressure plastic.

(D) Plastic tubing may be used for the customers service line provided said plastic tubing has a minimum PSI (pounds per square inch) rating of **one hundred sixty (160) pounds**, and provided further that there is at least **six (6) feet** of **three-fourths (3/4) inch** copper or **six (6) feet** of **three-fourths (3/4) inch** galvanized at the end.

(E) An easily accessible shut-off valve must be installed on the customer's side of his service line.

(F) Every customer's installation will be inspected before service is rendered to ensure that the above requirements are met.

40-2-34 **ACCESSORY STRUCTURES AND USES.** Accessory structures and uses are permitted in any zoning district in connection with any lawfully existing principal structure and use provided they are subordinate and incidental to, and do not substantially alter the character of the permitted principal structure or use. If an accessory structure or use is attached to the principal structure on the zoning lot, it shall be considered part of such principal structure.

40-2-35 **PERMITTED ACCESSORY STRUCTURES AND USES.**

(A) Accessory structures and uses include, but are not limited to, the following; provided, however, that each structure or use shall comply with the standards and requirements of **Section 40-2-34(B)** and **Section 40-2-35.**

(1) Accessory structures such as private garages, carports, greenhouses, storage sheds, recreation rooms, and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.

(2) A private swimming pool and bathhouse accessory to a residential building and limited to use by the occupants thereof and their guests; provided that such swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to such swimming pool from the street or adjacent properties. Such swimming pool shall not be located in any required front or side yard. **(See Section 40-2-62)**

(3) Tennis courts, lighted or unlighted, accessory to a residential building and limited to use by the occupants thereof and their guests.

(4) Fences, walls and hedges. **(See Section 40-2-51)**

(5) Outdoor storage of no more than **one (1)** boat and boat trailer and no more than **one (1)** camping trailer or recreational vehicle per dwelling unit; provided no part of such storage area shall be located in a front yard and provided such boat and camping trailer or recreational vehicle shall not be used for living, sleeping or housekeeping purposes.

(6) Non-commercial radio, TV, and satellite receiving devices, subject to the height restrictions of the district in which they are located.

(7) Storage of materials used for the construction of a building including a temporary contractor's office and/or tool shed, provided that such uses are on the building site or immediately adjacent thereto, and provided further

that such structure is used in conjunction and meet the conditions for a temporary use (**Section 40-2-22**).

(8) Structures for the shelter of household pets provided there shall be no more than **three (3) pets** over the age of **four (4) months** per zoning lot. Structures for the sheltering of more than **three (3) animals** for agricultural use, pet shops and veterinarian hospitals shall be accessory to these principal structures and uses. Nothing herein shall be construed as authorizing the keeping of any animals capable of inflicting harm or discomfort or endangering the health and safety of any persons or property.

(9) **Farm Buildings and Structures.** Windmills, silos, tank houses, buildings or shelters for farm equipment and machinery, water wells, water reservoirs and storage tanks.

(10) Buildings or structures required for the housing, nurture, confinement or storage of animals, products, or other uses lawfully produced or permitted on the property. (Agriculture District only.)

(11) Gazebos, enclosed patios, and similar structures for outdoor recreational use.

(12) Structures for the shelter of horses and ponies except commercial stables which shall be permitted only in the Agriculture District. (**See Section 40-2-61**)

(13) Children's playhouse and playground equipment.

(Ord. No. 1041; 12-19-07)

(B) The following accessory structures and uses are permitted in the Agricultural and Residential ("SR-1", "SR-2", "MH", and "MR") Districts only after a Special Use Permit has been approved and subject to the terms and conditions thereof.

(1) Home occupations subject to the regulations of **Section 40-2-53** of this Code.

(2) Guest house, provided it is located on the rear **one-half (1/2)** of the lot or parcel of land, and only on lots which are **one and one-half (1.5)** times the minimum area of the zone. A guest house shall not have a kitchen or kitchen facilities, and may not be used as permanent living quarters.

40-2-36 **ACCESSORY STRUCTURES AND USE RESTRICTIONS.**

(A) **Height.** No accessory structure/use shall be higher than:

(1) **fifteen (15) feet** in any residential district; or

(2) **twenty-five (25) feet** in any other zoning district except in the Agriculture District where, due to the special needs of farmers, there shall be no height limit on accessory structures with the Administrator's approval.

(B) **Setbacks.** In the Agriculture District and all Residential Districts, detached accessory structures and uses, except fences, walls, hedges and roadside stands, shall be located in the rear yard, shall not be less than **sixty (60) feet** from the front lot line, nor less than **ten (10) feet** from the principal structure on the zoning lot and not less than **five (5) feet** from the side lot lines and **eight (8) feet** from the rear lot line.

In commercial and industrial districts, accessory structures and uses, except fences, walls, and hedges shall maintain the same front, side, and rear yard as is required for the principal structure.

Fences, walls, and hedges may be erected on the side or rear lot lines.

(C) **Yard Coverage.** In any residential district, accessory structures and uses shall not cover more than **thirty percent (30%)** of a required rear yard area.

OR

(D) **Building Coverage.** Maximum percentage of lot area that may be covered by principal structures and uses including accessory structures and uses is **thirty percent (30%)**.

(E) **Use As Dwelling.** Use of any accessory structure as a permanent dwelling is strictly prohibited in the Village.

40-2-37 - 40-2-39 **RESERVED.**

DIVISION IV – ZONE DISTRICT REGULATIONS

40-2-40 "A" - AGRICULTURAL DISTRICT. The "A" Agricultural District encompasses sparsely developed fertile areas within the Village that are well suited for agricultural pursuits. The regulations below are intended to preserve such areas by restricting the intrusion of intensive urban land uses into this district.

(A) **Lot and Building Requirements.** Every principal building erected in the "A" District shall conform to the following requirements:

- | | | |
|-----|--|----------|
| (1) | Minimum Lot Area | 3 Acres |
| (2) | Minimum Lot Width at established building line | 250 feet |
| (3) | Minimum Lot Depth | 250 feet |
| (4) | Minimum Setbacks | |
| | (a) From front lot line | 50 feet |
| | (b) Side yards | |
| | Minimum total setback from both side lot lines | 25 feet |
| | Minimum setback from either side lot line | 10 feet |
| | (c) From rear lot line | 50 feet |

(B) **One Dwelling on One Lot.** In the "A" District, only **one (1) dwelling** shall be erected on any lot.

(C) **Permitted Uses.**

Agriculture, as defined in **Section 40-2-11** "Selected Definitions".

Agriculture and Animal/Poultry Husbandry Traditional. Roadside stand that is used for the purpose of displaying and selling agricultural or farming products which are grown or produced on the premises on which said roadside stand is located. **(Ord. No. 1041; 12-19-07)**

Animal, domestic and animal farm.

Cemeteries.

Detached single-family dwellings.

Government uses of the Village.

Nurseries, commercial greenhouses, agri-business, temporary produce stands. **(See Section 40-2-52) [NOTE: Landscaping Businesses are Commercial Businesses, not Agri-Businesses and must be located in a Business Zone District or an Industrial Zone District.] (Ord. No. 1111; 09-15-10)**

Parks, playgrounds.

Commercial radio beacon or television transmission towers.

Accessory uses in accordance with **Section 40-2-34.**

(D) **Special Uses.**

Agricultural implement sales.

Animal hospitals.

Animal/Poultry Husbandry Non-Traditional, as defined in **Section 40-2-11** "Selected Definitions".

Churches and other places of formal worship.

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Government uses other than this of the Village.

Home occupations. **(See Section 40-2-53)**

Kennels, commercial. **(See Section 40-2-55)**

Nursing homes. **(See Section 40-2-56)**

Stables, commercial. **(See Section 40-2-61)**

Travel trailer parks in conformity with the requirements of **Article II, Division IX.**

Utility substations. **(See Section 40-2-63)**

Primary Utility. **(Ord. No. 1041; 12-19-07)**

Secondary Utility. **(Ord. No. 1041; 12-19-07)**

40-2-41 "SR-1" "SR-2" – SINGLE-FAMILY RESIDENCE DISTRICTS. In the "SR-1" and "SR-2" Single-Family Residence Districts, land is principally used for, or is best suited for, detached single-family dwellings and related educational, religious, recreational facilities. The regulations applicable to each single-family residence district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities. The differing regulations are also intended to promote the development of a range of new single-family housing that is appropriate for persons having different social needs and income levels.

(A) **One Principal Building on One Lot.** In the "SR-1" and "SR-2" Districts, only **one (1)** principal building shall be erected on any lot.

(B) **Lot and Building Requirements.** Every principal building erected in the "SR-1" and "SR-2" District shall conform to the applicable requirements indicated in tabular form below:

<u>Requirements</u>	<u>"SR-1" District</u>	<u>"SR-2" District</u>
(1) Minimum Lot Area	7,500 sq. ft.	5,000 sq. ft.
(2) Minimum Lot Width (at established building line)	50 feet	50 feet
(3) Minimum Lot Depth	75 feet	75 feet
(4) Minimum Setbacks		
(a) From front lot line	25 feet	25 feet
(b) Side yards		
Minimum total setback from both side lot lines	15 feet	15 feet
Minimum setback from either side lot line	5 feet	5 feet
(c) From rear lot line	25 feet	20 feet
(5) Maximum Building Height	35 feet	35 feet
(6) Maximum Lot Coverage (See Sections 40-2-36(C) and (D))	30%	30%
(7) Driveways: All new residential structures shall have a paved driveway. (See Article II, Section 40-2-82(D).) (Ord. No. 1111; 09-15-10)		

(C) **Permitted Uses.**

Churches and other places of formal worship and rectories.

Detached single-family dwellings.

Government uses of the Village.

Libraries.

Parks, playgrounds.

Schools, public or private, elementary or secondary. **(See Section 40-2-59)**

Accessory uses in accordance with **Section 40-2-34.**

Parking in accordance with **Section 40-2-83(A)(1).**

(D) **Special Uses.**

Cemeteries. Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Day care centers, nursery schools. **(See Section 40-2-59)**

Government uses other than this of the Village.

Home occupations; day care centers, nursery schools. **(See Section 40-2-53; Section 40-2-59)**

Medical and dental offices and clinics.

Nursing homes. **(See Section 40-2-56)**

Two-family dwellings.

Utility substations. **(See Section 40-2-63)**

Secondary Utility. **(Ord. No. 1041; 12-19-07)**

40-2-42 "MH" – MANUFACTURED HOME DISTRICT. The "MH" Manufactured Home District is primarily intended to provide areas suitable for the placement of manufactured homes on individual lots and for the establishment of manufactured home parks. This district is also intended to preserve all other residential districts ("SR-1", "SR-2", "MR") for conventionally constructed and modular dwellings.

(A) **Restrictions on Location of Manufactured Homes.** Except for manufactured homes that are displayed for sale on manufactured home dealers' lots, all manufactured homes shall be located only as indicated below:

(1) **In Parks.** Manufactured Homes may be placed in a manufactured home park that meets the requirements of **Article II, Division VIII**, providing it has met the requirements of **Section 40-2-42(C)(D) and (E)**. Manufactured home parks may be allowed in the "MH" District by special use permit, but are strictly prohibited in every other district.

(2) **On Individual Lots.** Manufactured Homes may be placed on individual lots in the "MH" District, provided all the requirements of this Section, including all subsections hereof, are observed, providing it has met the requirements of **Section 40-2-42(C)(D) and (E)**.

(B) **Immobilization Prohibited.** Upon the effective date of this Code, it shall be unlawful to immobilize any manufactured home in the Manufactured Home District; that is, no person shall permanently remove the wheels, tongue, or hitch from any manufactured home or place any such structure on a permanent foundation.

(C) **Manufactured Homes Inspection.** Except for manufactured homes that are new (having not been previously occupied) every other manufactured home that is to be placed within the Village shall be inspected and approved, before being placed on any site within the Village. The inspection shall be conducted according to the following requirements and standards:

(1) All manufactured homes to be inspected MUST have accompanying documentation that indicates the following:

(a) Year manufactured home was constructed (Official Documentation).

(b) Ownership of the manufactured home (Official Documentation).

(c) Location where the manufactured home would be placed if inspection is passed and site is approved.

(d) Site plan in sufficient detail, indicating dimensions of lot, setbacks remaining after placement of manufactured home on lot.

(e) Dimensions, make and model of manufactured home, including serial number of the unit.

(f) Value of manufactured home (Official Documentation).

(2) An inspection fee shall be paid prior to inspection. **(See Fee Schedule for actual fee.) (Ord. No. 1041; 12-19-07)**

(3) Mileage reimbursement at the prevailing state rate per mile to and from the inspection site shall be paid prior to inspection.

(4) The **International Property Maintenance Code** shall be used as the standard for the inspection of the manufactured home.

(D) **Zoning Certificate.** Prior to locating any manufactured home within the Village, a Zoning Certificate Application is to be completed and submitted to the Administrator. After review the Administrator shall approve or disapprove the Zoning Certificate Application. Should the Zoning Certificate Application be approved a Zoning Certificate shall be issued after the associated fee has been paid to the Village.

(E) **Manufactured Home Quality Assurances Act.** A law establishing the authority of the Illinois Department of Public Health to adopt requirements for the installation of manufactured homes, the licensing of installers of manufactured homes and the licensing of manufacturer's of manufactured homes.

All manufactured homes (mobile homes) installed after **December 31, 2001** must be installed by a licensed manufactured home installer, with a valid Illinois Department of Health license. The licensed installer will place a manufactured home installation seal on the exterior of the home immediately below the

red HUD label. The seal will have a number that will enable the Illinois Department of Public Health to determine the installer. In addition the licensed installer will complete a Manufactured Home Installation Compliance Certificate for each installation. Copies of the Compliance Certificate are required to be provided to: Illinois Department of Public Health, dealer, homeowner and one for the installer to keep.

The Village requires compliance with the Manufactured Home Quality Assurance Act. Failure to comply with the Act is a violation of this Zoning Code. Any manufactured home (mobile home) found not to be in compliance with the Act is subject to a fine of **Five Hundred Dollars (\$500.00)** for the violation; each day is considered a separate violation. Failure to bring the manufactured home (mobile home) into compliance will cause the Village to seek not only the fine but the removal of the manufactured home (mobile home) by appropriate legal means.

(F) **One Principal Building on One Lot.** In the "MH" District only one principal building (which term includes a mobile home) shall be placed on any individual lot. No mobile home, whether newly sited or as replacement for an existing mobile home, shall be permitted unless the requirements of **Section 40-2-42(C)(D) and (E)** have been met.

(G) **Manufactured Homes on Individual Lots.** Manufactured homes on individual lots shall comply with all of the following regulations:

- (1) **Stands.** Every manufactured home shall be placed on a stand to provide adequate support therefore. The stand shall extend the length of the supports of the manufactured home, and shall consist of either **six (6) inch** thick reinforced concrete runners or a **four (4) inch** thick reinforced concrete slab.
- (2) **Anchors.** Anchors for every manufactured home shall be installed at the corners of the stand or as otherwise necessary for protection against high winds. Each anchor shall be capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds.** Every manufactured home shall be securely tied down to its stand.
- (3) **Manufactured Home Skirting.** Installation shall be required and shall be in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Acceptable materials may include masonry, stone, metal, vinyl, or other materials that are fire-resistant and manufactured for the purpose of skirting. A sliding or hinged type of inspection door must be provided with a minimum of **twenty-four (24) inches** in width and be located near the sewer riser. All manufactured home skirting shall be installed within **thirty (30) days** after placement.
- (4) **Conditions.** All manufactured homes in the Village, regardless of age, shall be in good condition, serviceable, and habitable in all respects.
- (5) **Replacement.** No replacement with different manufactured home (mobile home) shall be permitted unless the requirements of **Section 40-2-42(C)(D) and (E)** have been met.
- (6) **Driveways.** All manufactured homes that are placed upon a lot that has not previously had a manufactured home upon said lot shall have a paved driveway (**See Section 40-2-82(D) (Ord. No. 1111; 09-15-10)**)

(H) **Accessory Structures.**

- (1) **Permits Required.** No structure accessory to a manufactured home shall be constructed/installed until a Certificate of Code Compliance is issued.
- (2) **Fire-Resistant Materials.** Every structure accessory to a manufactured home shall be built of fire-resistant materials.
- (3) **Cabanas, Patios.** Cabanas, patios, porches, etc. accessory to manufactured homes must be open (except for insect screening) on at least one side.

- (4) **Storage Structures.** An accessory structure having an area not exceeding **ten percent (10%)** of the square footage of the manufactured home may be entirely enclosed if it is used only for storage.

(I) **Dependent Manufactured Homes.** Under this Code, dependent manufactured homes are considered travel trailers. Except for travel trailers that are displayed for sale on permitted recreational vehicle sales lots or parked in accordance with **Section 40-2-57**, travel trailers shall be parked only in travel trailer parks that conform to the requirements of **Article II Division VIII**. Travel trailer parks are a special use in the "A" and "B-2" districts, but are strictly prohibited in every other district including the "MH" district.

(J) **Lot and Building Requirements.** All principal buildings shall conform to the following requirements:

[NOTE: Manufactured home park requirements are set forth in Article II Division VIII.]

- | | | |
|-----|--|---------------|
| (1) | Minimum Lot Area | 5,000 sq. ft. |
| (2) | Minimum Lot Width at established building line | 50 feet |
| (3) | Minimum Lot Depth | 100 feet |
| (4) | Minimum Setbacks | |
| | (a) From front lot line | 20 feet |
| | (b) Side yards | |
| | Minimum total setback from both side lot lines | 15 feet |
| | Minimum setback from either side lot lines | 5 feet |
| | (c) From rear lot line | 10 feet |
| (5) | Maximum Building Height | 35 feet |
| (6) | Maximum Lot Coverage | 30% |

(See Sections 40-2-36(C) and (D))

- (7) Driveways: All new manufactured home parks shall have paved driveways. **(See Section 40-2-82(D).) (Ord. No. 1111; 09-15-10)**

(K) **Permitted Uses.**

Any use permitted in the single-family residence districts. **(See Section 40-2-41(C))**
Manufactured homes on individual lots provided said manufactured homes conform to the requirements of **Section 40-2-42(G)**.

Parking in accordance with **Section 40-2-83(A)(1)**.

(D) **Special Uses.**

Any use that is a special use in the single-family residence districts. **(See Section 40-2-41(D))**.
Manufactured home parks in conformity with the requirements of **Article II, Division VIII**.

40-2-43 "MR" – MULTIPLE-FAMILY RESIDENCE DISTRICTS. The "MR" Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

(A) **Lot and Building Requirements.**

[NOTE: Detached single-family and two-family dwellings erected in the "MR" District shall comply with the "one principal building on one lot" regulation and with the lot and building requirements of the "SR-2" District. (See Section 40-2-41(A) and (B).]

All other principal buildings shall conform to the requirements indicated below:

- | | | |
|-----|--|--|
| (1) | Minimum Lot Area | 2,500 sq. ft. |
| (2) | Minimum Lot Width at established building line | 50 feet or
10 feet per unit,
whichever is greater,
but not more than 250 feet |
| (3) | Minimum Lot Depth | 100 feet |
| (4) | Minimum Setbacks | |

- (a) From front lot line 25 feet
 - (b) From any side lot line 10 feet or one-half (0.5) foot per one (1) foot of building height, whichever is greater
 - (c) From rear lot line 20 feet
 - (5) Maximum Building Height 35 feet
 - (6) Maximum Lot Coverage 30%
- (See Sections 40-2-36(C) and (D))**
- (7) Driveways: All new multiple-family structures shall have a paved driveway. **(See Section 40-2-82(D).) (Ord. No. 1111; 09-15-10)**

(B) **Permitted Uses.**

- Churches and other places of formal worship, and rectories.
- Day care centers, nursery schools. **(See Sections 40-2-56 and 40-2-59)**
- Government uses of the Village.
- Libraries.
- Multiple-family dwellings.
- Parks, playgrounds.
- Single-family dwellings detached or attached.
- Schools, public or private, elementary or secondary. **(See Section 40-2-59)**
- Two-family dwellings.
- Accessory uses in accordance with **Section 40-2-34.**
- Parking in accordance with **Section 40-2-83(A)(1).**

(C) **Special Uses.**

- Boarding houses, rooming houses.
- Clubs or lodges, private, but not those which have as their chief activity a service customarily carried on as a business.
- Convenience shops (e.g., small drugstore, food store, Laundromat); but only if located on the ground floor of a multiple-family dwelling.
- Home occupations. **(See Section 40-2-53)**
- Medical and dental offices and clinics.
- Nursing homes. **(See Section 40-2-56)**
- Utility substations. **(See Section 40-2-63)**
- Second-hand/Re-Sell-It shops. **(See Section 5-16) (Ord. No. 1120; 01-19-11)**
- Secondary Utility. **(Ord. No. 1041; 12-19-07)**

40-2-44 "B-1" – GENERAL BUSINESS DISTRICT. The "B-1" General Business District encompasses the long-established commercial areas that provide a wide range of goods and services to the general public at retail or wholesale.

(A) **Use Restrictions.**

- (1) **Unenclosed Activities; Special Use Permit.** In this district, a special use permit is required to conduct any commercial, service, or storage activity outside a completely enclosed building. **(Ord. No. 1111; 09-15-10)**
- (2) **Drive-Ins; Special Use Permit.** In this district, a special use permit is required to establish any business that will offer goods or services directly to customers waiting in parked motor vehicles, or sell food or beverages for consumption on the premises in parked motor vehicles.
- (3) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly covered containers enclosed on at least **three (3) sides** by a wall or solid fence at least **six (6) feet** high.
- (4) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely planted

shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

(5) **Parking. See Article II, Division VII.**

(6) **Signs. See Article III.**

(7) **Vehicle Sales.** No individual vehicle sales are permitted; vehicles are determined as automobiles, vans, buses, trucks, motor homes, motorcycles and other motorized conveyances; including boats, barges and accompanying trailers. **(Ord. No. 1111; 09-15-10)**

(8) **Outside Storage of Vehicles.** In this District, the storage of vehicles outside of a completely enclosed building is prohibited. Vehicles are automobiles, vans, buses, trucks, motor homes, motorcycles and other motorized conveyances; including trailers and semi-trailers. **(Ord. No. 1111; 09-15-10)**

(B) **Lot and Building Requirements.** Every principal building erected in the "B-1" District shall conform to the following requirements:

(1) Minimum Lot Area 7,500 sq. ft.

(2) Minimum Lot Width at established building line 75 feet

(3) Minimum Lot Depth 100 feet

(4) Minimum Setbacks Generally none required except as necessary to comply with applicable off-street parking and loading requirements **(See Article II, Division VII)**. However, any lot that abuts any residential district shall meet the front setback and side setback (on the side abutting the residential use) requirements of such residential district.

(5) Maximum Building Height 35 feet

(C) **Permitted Uses.** Provided all the use restrictions of this District **(See 40-2-44(A))** are observed, the following uses are permitted:

Beer gardens. **(Ord. No. 1041; 12-19-07)**

Churches and other places of formal worship.

Clubs and lodges.

Commercial establishments, except those listed in **Section 40-2-44(D)**.

Government uses of the Village.

Libraries, museums.

Offices.

Service establishments, except those listed in **Section 40-2-44(D)**.

Accessory uses in accordance with **Section 40-2-34**.

(D) **Special Uses.** Provided all the use restrictions of this District **(See Section 40-2-44(A))** are observed, the following uses may be allowed by special use permit:

Accessory uses in accordance with **Section 40-2-35. (Ord. No. 1041; 12-19-07)**

Any use that involves commercial, service, or storage activities conducted outside completely enclosed buildings.

Any use, such as drive-in restaurants, drive-in banks, service stations, that offers goods or services directly to customers waiting in parked vehicles, or sells food or beverages for consumption on the premises in parked motor vehicles.

Dwelling units, if located above the first story.

Governmental uses other than those of the Village.

Medical/dental clinics.

Roadside stand. **(Ord. No. 1041; 12-19-07)**

Taverns.

Utility substations. **(See Section 40-2-63)**

Secondary Utility. **(Ord. No. 1041; 12-19-07)**

40-2-45 "B-2" – HIGHWAY BUSINESS DISTRICT. The "B-2" Highway Business District is intended to accommodate and regulate strip commercial developments and compatible uses. Since such business—both retail and wholesale—draw their patrons primarily from the motoring public, they typically require direct access to major streets and large lots for off-street parking and loading. **(Ord. No. 1135; 02-15-12)**

(A) **Use Restrictions.**

- (1) **Repairs Indoors.** All repair and maintenance services shall be conducted within completely enclosed structures. Storage areas may be open to the sky, but shall be enclosed by a wall or solid fence at least **eight (8) feet** high.
- (2) **Refuse Containers.** All refuse generated by facilities located within this district shall be stored in tightly covered containers enclosed on at least **three (3) sides** by a wall or solid fence at least **six (6) feet** high.
- (3) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (wall, solid fence, or closely planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be installed.
- (4) **Parking. See Article II, Division VII.**
- (5) **Signs. See Article III.**

(B) **Lot and Building Requirements.** Every principal building erected in the "B-2" District shall conform to the following requirements:

- | | | |
|-----|--|--|
| (1) | Minimum Lot Area | 20,000 sq. ft. |
| (2) | Minimum Lot Width at established building line | 125 feet |
| (3) | Minimum Lot Depth | 150 feet |
| (4) | Minimum Setbacks | |
| | (a) From front lot line | 50 feet |
| | (b) Side yards | 10 feet or one-half (0.5) foot per 1 foot of building height, whichever is greater |
| | Minimum total setback | |
| | From both side lot lines | 50 feet |
| | (c) From rear lot line | 25 feet |
| (5) | Maximum Building Height | 50 feet |

(C) **Permitted Uses.** Provided all the use restrictions of this District **(See 40-2-45(A))** are observed, the following uses are permitted:

- Beer gardens. **(Ord. No. 1041; 12-19-07)**
- Betting parlors. **(Ord. No. 1147; 11-20-12)**
- Churches and other places of formal worship.
- Clubs and lodges.

Commercial establishments, including drive-in facilities, such as, but not limited to:

- bowling alleys
- furniture and appliance sales
- golf courses
- greenhouses **(See Section 40-2-52)**
- lumber and building supplies sales
- miniature golf courses
- mobile home and recreational vehicles sales
- motor vehicles sales

Government uses of the Village.

Off-Track Betting Establishments (OTB). **(Ord. No. 1147; 11-20-12)**

Offices.

Service establishments, including drive-in facilities, such as, but not limited to:

- animal hospitals

- banks and other financial institutions
- motels
- motor vehicles sales
- restaurants
- service stations (**Section 40-2-60**)

Accessory uses in accordance with **Section 40-2-34**.

(D) **Special Uses.** Provided all the use restrictions of this District (**See Section 40-2-45(A)**) are observed, the following uses may be allowed by special use permit:

Assembly, manufacturing, or processing of any commodity from semi-finished materials provided explosives, flammable gases or liquids, or live animals are not involved.

Freight and bus terminals, and related transportation facilities.

Governmental uses other than those of the Village.

Research and development facilities not involving explosives, flammable gases or liquids, or live animals.

Roadside Stand. (**Ord. No. 1041; 12-19-07**)

Travel trailer parks in conformity with the requirements of **Article II Division IX**.

Utility substations. (**See Section 40-2-63**)

Second-hand/Re-Sell-It shops. (**See Section 40-2-66**)

Secondary utility. (**Ord. No. 1041; 12-19-07**)

Warehousing and wholesaling of any goods except explosives, flammable gases or liquids, or live animals.

40-2-46 "I-1" – INDUSTRIAL DISTRICT. The "I-1" Industrial District is intended to provide for areas where light industry, research facilities warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas a satisfactory correlation of factors require by such uses exists or can be readily achieved.

(A) **Use Restrictions.**

(1) **No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interference include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(2) **Activities Enclosed.** All production, processing, cleaning, servicing, testing, or repair activities shall be conducted within completely enclosed buildings. Storage and sale activities may be open to the sky, but shall be enclosed by a wall or fence (whether solid or chain link), including gates, at least **eight (8) feet** high.

(3) **Buffer Strips.** Wherever any industrial use located in this district abuts any other district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full-grown.

(B) **Lot and Building Requirements.** Every principal building erected in the "I-1" District shall conform to the following requirements:

- | | | |
|-----|--|----------------|
| (1) | Minimum Lot Area | 20,000 sq. ft. |
| (2) | Minimum Lot Width at established building line | 125 feet |
| (3) | Minimum Lot Depth | 150 feet |
| (4) | Minimum Setbacks | |
| | (a) From front lot line | 25 feet |
| | (b) From any side lot line | 25 feet |
| | (c) From rear lot line | 25 feet |

(5) Maximum Building Height 50 feet

(C) **Permitted Uses.** Provided all the use restrictions of this District (**See 40-2-46(A)**) are observed, the following uses are permitted:

Assembly, manufacturing, or processing of any commodity from semi-finished materials provided explosives, flammable gases or liquids, or live animals are not involved.

Freight and bus terminals, and related transportation facilities.

Government uses of the Village.

Research and development facilities not involving explosives, or flammable gases or liquids, or live animals.

Accessory uses in accordance with **Section 40-2-34**.

(D) **Special Uses.** Provided all the use restrictions of this District (**See Section 40-2-46(A)**) are observed, the following uses may be allowed by special use permit:

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases or liquids, or live animals.

Governmental uses other than those of the Village.

Junk yards. (**See Section 40-2-54**)

Research and development facilities involving explosives, or flammable liquids or gases.

Utility substations. (**See Section 40-2-63**)

Primary Utility. (**Ord. No. 1041; 12-19-07**)

Secondary Utility. (**Ord. No. 1041; 12-19-07**)

40-2-47 "I-2" – INDUSTRIAL DISTRICT. The "I-2" Industrial District is intended to provide for areas where light industry, research facilities warehouses, and wholesale businesses, may locate without detriment to the remainder of the community. In these areas Billboards and Adult Businesses may locate if a special use permit has been issued.

(A) **Use Restrictions.**

(1) **No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interference include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(2) **Activities Enclosed.** All production, processing, cleaning, servicing, testing, or repair activities shall be conducted within completely enclosed buildings. Storage and sale activities may be open to the sky, but shall be enclosed by a wall or fence (whether solid or chain link), including gates, at least **eight (8) feet** high. All adult business activities shall be conducted within a completely enclosed building and then only if a special use permit has been issued.

(3) **Buffer Strips.** Wherever any industrial use or adult business use located in this district abuts any other district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full-grown.

(B) **Lot and Building Requirements.** Every principal building erected in the "I-2" District shall conform to the following requirements:

- | | | |
|-----|--|----------------|
| (1) | Minimum Lot Area | 20,000 sq. ft. |
| (2) | Minimum Lot Width at established building line | 125 feet |
| (3) | Minimum Lot Depth | 150 feet |
| (4) | Minimum Setbacks | |
| (a) | From front lot line | 25 feet |

- (b) From any side lot line 25 feet
- (c) From rear lot line 25 feet
- (5) Maximum Building Height 50 feet

(C) **Permitted Uses.** Provided all the use restrictions of this District (**See 40-2-47(A)**) are observed, the following uses are permitted:
 Adult Businesses (**See Section 40-2-65**) (**Ord. No. 1041; 12-19-07**)

Assembly, manufacturing, or processing of any commodity from semi-finished materials provided explosives, flammable gases or liquids, or live animals are not involved.

Freight and bus terminals, and related transportation facilities.

Government uses of the Village.

Payday Loan Business. (**Ord. No. 1041; 12-19-07**)

Research and development facilities not involving explosives, or flammable gases or liquids, or live animals.

Title Loan Business. (**Ord. No. 1041; 12-19-07**)

Accessory uses in accordance with **Section 40-2-34**.

(D) **Special Uses.** Provided all the use restrictions of this District (**See Section 40-2-47(A)**) are observed, the following uses may be allowed by special use permit:

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases or liquids, or live animals.

Governmental uses other than those of the Village.

Junk yards. (**See Section 40-2-54**)

Pawnbrokers. (**Ord. No. 1041; 12-19-07**)

Research and development facilities involving explosives, flammable liquids or gases.

Utility substations. (**See Section 40-2-63**)

Primary Utility. (**Ord. No. 1041; 12-19-07**)

Secondary Utility. (**Ord. No. 1041; 12-19-07**)

Billboards. (**See Section 40-3-13(F)**)

40-2-48 - 40-2-49 RESERVED.

DIVISION V - SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

40-2-50 **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is allowed; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-2-51 **FENCES, WALLS.**

(A) Barbed wire or electrically charged fences shall be erected or maintained only to enclose bona fide pastures where cattle or other livestock are kept in the Agricultural District; or when placed over an **eight (8) foot** fence to enclose commercial or industrial facilities that require adequate security to safeguard or prevent hazardous conditions.

(B) Protective walls or fences (including any gates in said fence) shall not be less than **six (6) feet** in height above ground which may be required as an enclosure for potential hazards, e.g., swimming pool. Fences may be solid or consist of vertical structural members with clear openings between each, not exceeding **four (4) inches**. Chain link or woven wire fencing materials with or without slats may also be utilized. In no case shall a fence or wall of this classification include design features that would facilitate its ascent, or permit the passage of a child's body.

(C) Open fences for recreational uses such as basketball, tennis, and volleyball courts shall not exceed **ten (10) feet** high and shall conform to all setback requirements for structures in the proposed district.

(D) Open fences for golf driving ranges and backstops shall be of sufficient height to reasonably prevent stray, errant, or foul balls from leaving the playing area or field.

(E) Corner lots may have a six (6) foot tall privacy fence which extends from the rear corner of the house to the right-of-way.

(F) No fence, wall, or other barrier shall be erected within the public right-of-way.

(G) No fence, wall, or other barrier shall be erected in violation of the Illinois Drainage Code (70 ILCS 605/2-1 – 605/2—1-12).

40-2-52 **COMMERCIAL GREENHOUSES, NURSERIES.**

(A) No fertilizer, compost, manure, or other odor or dust-producing substance shall be stored closer than **one hundred (100) feet** to any lot line.

(B) Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than **fifty (50) feet** to any lot line.

40-2-53 **HOME OCCUPATIONS.** A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within residential building or on residential premises. Within this Village every home occupation shall be considered a special use. No home occupation shall be established except in conformity with the following regulations:

(A) Home occupations shall be allowed by a special use permit issued by the Village.

(B) A home occupation shall employ no more than **one (1)** individual who is unrelated to the family residing on the premises.

(C) The total area used for a home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.

(D) In any residential district, a principal residential building shall not be altered—to accommodate a home occupation—in such way as to materially change the residential character of the building.

(E) An accessory structure to be used for a home occupation shall be clearly subordinate and incidental to the principal use or structure on the lot.

(F) Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.

(G) A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the lot lines.

(H) House calls shall only be scheduled before **9:00 P.M.** or after **8:00 A.M.**

(I) **Parking.** See Article II, Division VIII, especially Section 40-2-86.

(J) **Signs.** Any exterior display, signs, except as otherwise permitted (**See Section 40-3-11(K)**) or other indication from the exterior that the dwelling unit or accessory structure is being used in part or any use other than that of a dwelling or accessory structure for residential purposes shall be prohibited.

40-2-54 **JUNK YARDS.**

(A) No part of any junk yard—which, by definition, includes any lot on which **three (3)** or more inoperable vehicles are stored—shall be located closer than **five hundred (500) feet** to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property.

40-2-55 **COMMERCIAL KENNELS.**

(A) The lot on which any commercial kennel is situated shall have a minimum area of **three (3) acres.**

(B) Every commercial kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

40-2-56 **NURSING HOMES.**

(A) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres.**

(B) The principal building of any nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

40-2-57 **RECREATIONAL VEHICLES.** The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel-trailer park that conforms to the pertinent requirements of **Article II, Division IX.** The requirements of paragraphs (A), (C), and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

(A) Not more than **one (1)** travel trailer or other recreational vehicle shall be parked on any lot.

(B) No travel trailer or other recreational vehicle shall be used as living quarters.

(C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.

(D) No travel trailer or other recreational vehicle shall be parked on any front yard, except on a driveway.

40-2-58 **SANITARY LANDFILLS.** Any person who intends to establish or conduct any sanitary landfill operation within this Village, shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations" promulgated by the IEPA pursuant to the authority granted under State law. **(415 ILCS 5/1 – 5/56.6)**

40-2-59 **SCHOOLS.**

(A) The lot on which any school is situated shall have the minimum area indicated below:

<u>Type of School</u>	<u>Minimum Lot Area</u>
Nursery	Twenty thousand (20,000) square feet , plus at least one hundred (100) square feet of fenced outdoor play area per child.
Other (elementary, junior high, senior high)	As required by State law (105 ILCS) - normally four (4) acres , plus one (1) additional acre for every one hundred fifty (150) students in excess of two hundred (200) .
(B)	The principal building of any school shall be located at least twenty-five (25) feet from all lot lines.

40-2-60 **SERVICE STATIONS.**

- (A) All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line.
- (B) Every access way (curb cut) shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.
- (C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.
- (D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
- (E) Whenever the use of a filling station has been discontinued for **twelve (12) consecutive months**, or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.

40-2-61 **STABLES.**

- (A) In any zoning district where the keeping of horses is permitted (either as a principal or accessory use), at least **five (5) acres** shall be allocated for the first horse kept, and **two (2)** or more acres shall be allocated for each additional horse kept.
- (B) Any stable or other structure housing horses shall be located at least **two hundred (200) feet** from the nearest existing dwelling, and at least **one hundred (100) feet** from any lot line.

40-2-62 **SWIMMING POOLS.**

- (A) The placement of any swimming pool, whether public or private, shall not be located in any front yard, nor less than **ten (10) feet** to a side or rear lot line; and,
- (B) Each swimming pool, with a depth of more than **two (2) feet**, shall be enclosed by an obstacle, such as a wall, fence, and/or other sufficient obstacle. Any, and all, required by this Section shall be no less than **forty-eight (48) inches** in height, as measured from the ground to the top of the obstacle; and,
- (C) Each, and every, entry point into the obstacle shall be secured when not in use. Gates shall be self-closing and self-latching. The wall of a dwelling may serve as part of an obstacle. However, if the wall of the dwelling includes a door, or other type of entry point, and the door provides direct access to the pool, the door shall be equipped with an audible alarm which produces an audible warning when the door is opened. The alarm shall sound immediately and continuously for a minimum of **thirty (30) seconds** and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm may be equipped with a manual deactivation.

However, the deactivation shall be temporary and last no more than **fifteen (15) seconds**. If equipped, the deactivation mechanism shall be located no less than **fifty-four (54) inches** above the threshold of the door; and,

(D) No swimming pool shall be located under any electrical service.

(Ord. No. 1712; 06-21-17) [See Article VIII – Building Code]

40-2-63 UTILITY SUBSTATIONS. Every electrical substation, natural gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines or shall meet the district setback requirements, whichever is greater.

(B) In any residential district, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.

(C) Screening at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **eight (8) feet** in height be installed behind the planting screen.

40-2-64 RESERVED.

40-2-65 ADULT BUSINESSES. An "Adult Business" means any establishment having as a substantial or significant portion of its stock in trade or business activity in use such as, but not limited to, the following: adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors, rap parlors, nudity and/or adults-only cabarets or adults-only saunas, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated. **(Ord. No. 1041; 12-19-07)**

(A) No "Adult Business" shall occupy any structure, open for business or operate in any manner, way, shape or form without a valid Special Use Permit. Special Use Permits may be renewed if there has not been a violation of any Village of Caseyville, St. Clair County, State of Illinois and/or Federal ordinance and/or statute. Renewal of a Special Use Permit must follow established Village procedures for such renewals, as amended. **(See Section 40-2-115)**

(B) No "Adult Business" shall occupy any structure, open for business or operate in any manner, way, shape or form without a valid Occupancy Permit. **(See Division IX)**

(C) All signage for an "Adult Business" shall comply with all applicable sign regulations of the Village. **(See Section 40-3-13)**

(D) All parking for an "Adult Business" shall comply with all applicable parking regulation of the Village. **(See Section 40-2-80)**

(E) No "Adult Business" shall occupy any structure, open for business or operate in any manner, way, shape or form without a valid business license issued by the Village.

(F) No "Adult Business" shall sell, offer for sale, possess, display or allow the consumption of any alcoholic liquor upon any portion of its property. **(Ord. No. 1041; 12-19-07)**

[NOTE: See Section 40-2-47(A)(1), (2) and (3) for use restrictions.]

40-2-66 SECOND-HAND GOODS/RE-SELL-IT-SHOPS. A Second-Hand Goods/Re-Sell-It-Shop must meet the definition for Second-Hand Goods and/or Re-Sell-It-Shops located in **Section 40-2-11 (Selected Definitions)** of this Development Code. All Second-Hand Goods/Re-Sell-It-Shops shall be deemed Special Uses in a "B-1" General Business District and must be granted a Special Use Permit before

they can apply for an Occupancy Permit and/or a Business License from the Village. All Second-Hand Goods/Re-Sell-It-Shops shall conform to the following regulations:

- (A) Shall only be located in a "B-1" General Business District after approval of a Special Use Permit.
- (B) Outside Storage shall not be permitted.
- (C) Outside sales, including yard sales and/or sidewalk sales shall not be permitted.
- (D) Applicants for a Special Use Permit for a Second-Hand/Re-Sell-It-Shop must submit a business plan and/or Statement of Activity to be conducted, at site, in detail; such document(s) must accompany the Special Use Permit Application.

(Ord. No. 1120; 01-19-11)

40-2-67 SOLAR ENERGY FACILITIES. Every solar energy facility shall be deemed a Special Use and shall conform to the following regulations:

(A) Every solar farm must be located completely within an agricultural or industrial zone district and have received a Building Permits prior to such location. Every part of any such facility shall be located at least **three hundred fifty (350) feet** from all lot lines and be completely surrounded by a fence at least **eight (8) feet** in height with suitable gate and locking device. Screening at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property shall be installed around every such facility.

(B) In any residential district, individual solar energy arrays may be placed upon the roof of a residential unit provided a Building Permit has been granted prior to the installation of the solar array and said residential unit has been designed by the appropriate Illinois License Design Professional, said plans and specifications being signed and sealed by said Design Professional, all of which show that said residential unit is capable of withstanding the inclusion of said array, energy storage facility and transmission system.

Should the residential unit have been constructed, in whole or in part, prior to the desire to install solar energy, the owner of said residential unit shall seek and be granted a Building Permit prior to retrofitting said residential unit for solar energy; both the existing residential unit and the means and method of retrofitting said residential unit shall be studied to determine if the existing residential unit is capable of withstanding the inclusion of a solar array, energy storage facility and transmission system. The plans and specifications based upon said study for said retrofitting, prepared, signed and sealed by an Illinois Licensed Design Professional.

Further, "Solar Energy Facilities" shall be added under "permitted use" in the following Zoning sections of the Village of Caseyville Code of Ordinances:

- Agricultural "A"
- Single-Family Residence "SR-1"
- Single-Family "SR2"
- Mobile Home "MH"
- Multiple-Family Residence "MR"
- General Business "B-1"
- Highway Business "B-2"
- Industrial "I-1"
- Industrial "I-2"

40-2-68 WIND ENERGY FACILITIES. Every wind energy facility shall be deemed a Special Use and shall conform to the following regulations:

(A) Every wind energy device, either individual units, or wind farms, must be located completely within an agricultural or industrial zone district and have received a Special Use Permit and Building Permit(s) prior to such location.

(B) Every part of any wind energy device, either individual units or wind farms, shall be located at least **three hundred fifty (350) feet** from all lot lines.

(C) Every wind energy device shall be located at a minimum of 1.1 times the height of the structure from each other.

(D) For the purpose of this Section, the term "structure" shall also be defined as any pole, tower or other structure that holds up the wind energy conversion devise.

(E) All support structures related to wind energy collection, conversion, production and/or distribution shall be located on the site of the wind energy device(s) and shall be subject to the same location and setbacks as the wind energy device(s).

(F) All wind energy structures shall be kept in good working order and physical condition.

(G) All wind energy structures shall be kept secured at all times, especially those times when staff, employees, owners or their representatives, including consultants are not immediately present at each structure.

(H) All wind energy devices shall be designed by an Illinois Licensed Design Professional. All plans and specifications shall be signed and sealed by the design professional that did the design.

(I) All wind energy support structures shall be designed by an Illinois Licensed Design Professional. All plans and specifications shall be signed and sealed by the design professional that did the design.

(J) All owners of the wind energy device(s) and/or wind energy structure(s) and wind energy support structure(s) whether said owners are an individual, sole proprietor, partnership, firm, corporation, limited liability company, association or other business enterprise are fully responsible for the total and complete dismantling, demolition and removal of each such device(s) and structure(s) within **sixty (60) days** after the individual unit or wind farm(s) is no longer in operation.

(K) For the purpose of this Section, the term "in operation" shall include the following meaning: collection, conversion, production and/or distribution of wind energy.
(Ord. No. 1120; 01-19-11)

40-2-69 - 40-2-72 RESERVED.

DIVISION VI - NONCONFORMITIES

40-2-73 **PURPOSE OF ARTICLE.** The requirements of this Code are designed to guide the use of land and to control development upon it to assure that structures and uses are compatible with the predominant character of the various zoning districts. However, certain lots, structures, and uses because they were created prior to the adoption or amendment of this Code may not conform to all the requirements of the district in which they are located.

While the requirements of this Article are intended to encourage the gradual elimination of nonconformities through attrition or at such time when said lots, structures, or uses are subject to being altered, modified, reconstructed, renovated, restored or removed; any lawful but nonconforming lot, structure, or use may continue to remain as "grandfathered" in the Village.

"Grandfathering" said nonconforming lots, structures, or uses in the Village is the recognition that while potential problems may arise from nonconformities impeding appropriate development, enforcing compliance until said nonconforming lot, structure, or use is altered, modified, reconstructed, renovated, or restored or removed may impose an undue hardship upon the property owner. When nonconforming lots, structures, and uses are either altered, modified, reconstructed, renovated, restored, or removed, they will then meet all applicable regulations of the district in which they are located subject to the requirements of this Article.

40-2-74 **NONCONFORMING LOTS.** Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be used in the manner indicated in **Section 40-2-74(A)** and **(B)** if such vacant lot:

- is of record on the date of the adoption or amendment of this Code;
- has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the former zoning ordinance; and
- is at least **thirty (30) feet** wide.

(A) **Agricultural and Residential Districts.** In the Agricultural District and in any residential district, one single-family dwelling and related accessory structure, but no other use, may be erected on any vacant nonconforming lot of the type described above provided all the bulk regulations of the particular district are observed.

(B) **Commercial and Industrial Districts.** In the Industrial District and in any commercial district, any structure that is permitted in the particular district may be erected on any vacant nonconforming lot of the type described above provided all the bulk requirements of the particular district are met.

(C) **Two or More Lots in Common Ownership.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with

this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-2-75 NONCONFORMING STRUCTURES. Any lawful structure which exists on the effective date of this Code but which could not be erected under the terms of this Code because of restrictions on the lot size, height, setbacks, lot coverage, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions:

(A) **Enlargement, Alterations.** No such structure shall be enlarged or altered in any way which increases its nonconformity; provided that replacement of an existing mobile home with one of superior quality as determined by the appropriate inspection shall not be deemed a violation of this Section.

(B) **Relocation.** No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C) **Reconstruction.** No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently carried out to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

(D) Existing nonconforming mobile homes may be replaced provided the replacement unit is of superior quality as determined by appropriate inspection.

40-2-76 NONCONFORMING USES OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the effective date of this Code but would not be allowed under the terms of this Code, such use may lawfully continue, subject to the following provisions:

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C) **Extension of Use.** No nonconforming use may be extended to any part(s) of the structure not intended or designed to be devoted to such use, nor shall the use be extended to occupy any land outside such structure.

(D) **Change of Use.** A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.

(E) **Discontinuance of Use.** When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any fault by the user shall not be counted in calculating the length of discontinuance.

40-2-77 NONCONFORMING USES OF LAND. Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.

(B) **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless, upon relocation, such use will conform to all pertinent regulations of the district in which it is proposed to be located.

(C) **Change of Use.** A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.

(D) **Discontinuance.** When a use of land is discontinued for a period of **twelve (12)** consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-2-78 **NONCONFORMITIES UNDER PERMIT AUTHORITY.** The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this Code or any pertinent amendment thereto provided that the work authorized by such permit is completed within a reasonable time.

40-2-79 **RESERVED.**

DIVISION VII - PARKING AND LOADING

40-2-80 **APPLICABILITY OF ARTICLE.** Except as specifically provided otherwise elsewhere in this Code, off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established on or after the effective date of this Code.

40-2-81 **EXISTING PARKING/LOADING FACILITIES.**

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced--or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or, parking loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, additional off-street parking/loading facilities need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units or increased floor area, seating capacity, etc., additional parking/loading facilities commensurate with such increases in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking/loading facilities shall be provided as required herein for such new use.

40-2-82 **OFF-STREET PARKING DESIGN STANDARDS.** All off-street parking areas shall conform to the standards indicated in the subsections below:

(A) **Spaces.** Each required parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(B) **Interior Aisles.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide.

(C) **Access Ways.**

(1) Parking areas shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.

(2) No access way to any parking area shall be located closer than **thirty (30) feet** top any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic is especially heavy, the Administrator may increase this requirement as necessary to prevent hazards.

(3) Parking area access ways (including residential driveways) and public streets shall be aligned to form--as closely as feasible--right angles.

(4) The access way to every parking lot located in any commercial district or in the Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide, are provided.

(5) The access way to every parking area located in any residential district shall be at least **ten (10) feet** wide; but if such parking area contains more than **eight (8) parking spaces** or if the access way is longer than **one hundred (100) feet**, access shall be provided either by one 2-way drive at least **twenty (20) feet** wide or by two 1-way drives, each at least **twelve (12) feet** wide.

(6) No access way in any district shall exceed **thirty-five (35) feet** in width.

(D) **Surfacing.** All open off-street parking, loading areas, and driveways shall be graded and improved with an all-weather pavement consisting of a minimum of a compacted crushed stone

base at least **six (6) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. Any fill material placed under the pavement shall be placed in lifts not greater than **eight (8) inches** thick, and be compacted to a minimum of **ninety-five percent (95%)** standard Proctor density. **(Ord. No. 1120; 01-19-11)**

(E) **Lighting.** Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking area to the greatest extent practicable.

(F) **Landscaping.** In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained on the perimeter of, and/or within, every parking lot that contains **eight (8)** or more parking spaces.

40-2-83 **LOCATION OF PARKING.** All off-street parking shall be located in conformity with the following requirements:

(A) **Agricultural and Residential Districts.**

- (1) Parking spaces accessory to dwellings located in the Agricultural District or in any residential district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.
- (2) All parking spaces accessory to permitted non-dwelling uses located in the Agricultural District or in any residential district generally shall be located on the same lot as the use served. However, the Administrator may allow such parking facilities to be located on another parcel within **two hundred (200) feet** of the use served if the "same lot" requirement is not feasible.
- (3) No commercial vehicle exceeding **one (1) ton** cargo capacity shall be parked anywhere in the Agricultural District or in any residential district, except for normal loading, unloading, and service calls nor shall any vehicle repair work be conducted on any non-residential parking lot located in said districts. **(Ord. No. 1120; 01-19-11)**

(B) **Commercial and Industrial Districts.**

- (1) Parking lots accessory to any use located in any commercial district or in the Industrial District shall be located within **five hundred (500) feet** of the use served.
- (2) No parking lot accessory to any use located in any commercial district or in the Industrial District shall be located in any residential district or in the Agricultural District except by special use permit; and in no case shall any such parking area extend more than **five hundred (500) feet** into the Agricultural or any residential district.
- (3) In any commercial district or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

40-2-84 **DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.** All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size Of Space.** Every required off-street loading space shall be at least **ten (10) feet** wide and **forty-five (45) feet** long exclusive of aisle space, and shall have vertical clearance of at least

fourteen (14) feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Ways.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area and all access ways leading to off-street loading areas shall be graded and improved with an all-weather pavement consisting of a minimum of a compacted crushed stone base at least **seven (7) inches** thick, surfaced with at least **three (3) inches** of asphaltic concrete or approved comparable material. Any fill material placed under the pavement shall be placed in lifts not greater than **eight (8) inches** thick, and be compacted to a minimum of **ninety-five percent (95%)** standard Proctor density. **(Ord. No. 1111; 09-15-10)**

(D) **Buffer Strips.** No loading area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to the lot located in any residential district unless such area is completely enclosed by walls, a solid fence, or shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from residential property.

(E) **Location.** Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on required front yards.

40-2-85 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required under this Article, the Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **“Employee parking” means one (1) parking space shall be required per one and one-half (1.5) employees”,** unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of floor area, the gross floor area shall be used.

(C) For the purpose of translating gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1) parking space.**

(D) If computation of the number of parking or loading spaces required in this Article results in a fractional space, any fraction of **one-half (.5)** or more shall be counted as **one (1) space.**

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

40-2-86 NUMBER OF PARKING AND LOADING SPACES REQUIRED. Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

PARKING AND LOADING SPACES REQUIRED

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(A) <u>Dwellings, Lodgings:</u>		
Hotels, Motels, Lodges Boarding Houses	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile homes	2 spaces per mobile home	Not Applicable
Multi-family dwellings		

1 bedroom or less	1.5 spaces per dwelling unit	Not Applicable
2 or more bedrooms	2 spaces per dwelling unit	Not Applicable
<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>

Single-family & two-family dwellings	2 spaces per dwelling unit	Not Applicable
--------------------------------------	----------------------------	----------------

(B) Educational, Institutional, Recreational:

Churches	1 space per 4 seats in the largest seating area	Not Applicable
----------	---	----------------

Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the Administrator
--------------------	---------------------------------------	--------------------------------

Nursing Homes	1 space per 5 beds	To 50,000 sq. ft. of floor area..1 space; 50,001-100,000 sq. ft...2 spaces; 200,000 sq. ft...3 spaces
---------------	--------------------	---

Elementary and Junior High School	1 space for every 20 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
-----------------------------------	--	--------------------------------

Senior High School	1 space for every 4 students over 16 years old that the building is designed to accommodate, plus employee parking.	On review by the Administrator
--------------------	---	--------------------------------

Trade School	1 space for every 3 students that the building is designed to accommodate, plus employee parking.	On review by the Administrator
--------------	---	--------------------------------

(C) Commercial, Office, Service:

Note: All commercial and service uses, unless specifically indicated below.	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
---	---------------------------------------	---

Banks, Savings and Loan		(Both walk-in and drive-in): To 30,000 sq. ft. of floor area...none required; 30,001 to 100,000 sq. ft...1 space; more than 100,000 sq. ft...1 space plus 1 additional space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft. of floor area.
-------------------------	--	---

Beauty and Barber shops	2 spaces per chair, plus employee parking	Not Applicable
Bowling Alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not Applicable, except as required for affiliated uses
Car Wash	3 spaces per wash lane	Not Applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not Applicable
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...none required. 30,001-100,000 sq. ft...1 space plus 1 additional space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater.	Not Applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants; refreshment stands		(Both sit-down and drive-in):
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more floor area
Drive-in	1 space per 25 sq. ft. of floor area	

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Service stations	1 space per service stall, plus employee parking	Not Applicable
Taverns	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area
Theaters Indoor	1 space per 4 seats in the largest seating area	Not Applicable
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area. Above 10,000 sq. ft... 4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 spaces; more than 25,000 sq. ft. of floor area and open lot area...2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.

(D) Industrial:

Any manufacturing, warehousing, or other industrial use	Employee parking (1.5 spaces per employee) plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift.	To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft...2 spaces; 50,001-90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.
---	--	--

40-2-87 - 40-2-89 RESERVED.

DIVISION VIII – MINIMUM STANDARDS FOR MANUFACTURED HOME PARKS

40-2-90 COMPLIANCE WITH STATUTE APPLICABILITY OF ARTICLE. Every manufactured home park hereafter established in the Village shall, at a minimum, conform to the requirements of:

- (A) "An Act to provide for, license, and regulate manufactured homes and manufactured home parks" (**210 ILCS 115/1**), as now or hereafter amended; and
- (B) "Rules and Regulations for Manufactured Home Parks," Illinois Department of Public Health, Consumer Protection Division, as now or hereafter amended; and
- (C) this Article.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

Manufactured home parks may be allowed by special use permit in the "MH" District, but are strictly prohibited in every other district.

40-2-91 ENVIRONMENTAL REQUIREMENTS. Every manufactured home park shall meet the environmental requirements of the subsections below.

(A) **Drainage, Erosion Control.** No manufactured home park shall be located on a lot where conditions of soil, groundwater level, drainage, or topography would pose a danger to the health, safety, or property of the park occupants. All unpaved areas of the park shall be protected with vegetation adequate to prevent erosion.

(B) **Insect and Rodent Control.** Manufactured home parks shall be located away from marshes, landfills, and other potential breeding places for insects and rodents, and shall be maintained free from accumulations of debris. Storage areas shall be so maintained as to prevent rodent harborage. Weeds and brush shall be cut regularly, and extermination measures shall be taken as necessary to prevent infestation.

(C) **Nuisances, Buffering.** No manufactured home park shall be exposed to objectionable smoke, noise, odors, lights, and other adverse conditions. A buffer strip at least **ten (10) feet** wide consisting of densely planted shrubbery that can be expected to reach a height of **ten (10) feet** when full-grown shall be planted and maintained along the entire periphery of the park.

40-2-92 PARK LOT REQUIREMENTS.

(A) **Minimum Lot Area. Five (5) acres.**

(B) **Minimum Width and Depth. Two hundred fifty (250) feet.**

(C) **Minimum Setback. Twenty-five (25) feet** from all lot lines.

(D) **Maximum Structure Height. Thirty-five (35) feet.**

40-2-93 RECREATIONAL AREAS. At least **eight percent (8%)** of the gross area of every manufactured home park shall be devoted to recreational uses. Recreational areas shall be in plots of not less than **eight thousand (8,000) square feet.**

40-2-94 SPACING OF MANUFACTURED HOMES. Manufactured homes within the park shall be placed so that no part of any manufactured home is closer than:

(A) **ten (10) feet** to the abutting park street;

(B) **twenty-five (25) feet** to any lot line of the park; or

(C) **twenty (20) feet** to any part of any other manufactured home or structure.

40-2-95 MANUFACTURED HOME SPACE IMPROVEMENTS. Each manufactured home space shall be improved in accordance with the following requirements:

(A) **Manufactured Home Stand.** Each space shall have a stand to provide adequate support for the placement and tie-down of the manufactured home. The stand shall extend the length of the supports of the manufactured home, and shall consist of either **eight (8) inch** thick reinforced concrete runners or a **four (4) inch** thick reinforced concrete slab. Piers may be utilized provided they are **two (2) feet** by **two (2)** by **forty (40) inches** in depth below ground level.

(B) **Anchors.** Anchors for manufactured homes shall be installed at the corners of each stand or as otherwise necessary for protection against high winds. Each anchor shall be capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds.** Every manufactured home shall be securely attached to said anchors.

(C) **Off-Street Parking.** Each manufactured home space shall have **two (2)** paved off-street parking spaces meeting the standards imposed in **Article II, Division VII.**

(D) **Skirting.** Manufactured homes skirting installation shall be required. Installation shall be in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Acceptable materials may include masonry, stone, metal, vinyl, or other materials manufactured for the purpose of skirting. A sliding or hinged type of inspection door must be provided. The inspection door must be a minimum of **twenty-four (24) inches** in width and be located near the sewer riser. All manufactured home skirting shall be installed within **thirty (30) days** after placements.

40-2-96 **PARK STREETS.** The street system of every manufactured home park shall meet the following requirements:

(A) **Access.** Every manufactured home park shall have safe and convenient vehicular access to public streets. The access way(s) to the park shall be designed to prevent hazards and to minimize traffic tie-ups on adjacent public streets.

(B) **Lay-Out.** Streets within the park shall be designed so that:

- (1) not more than **two (2) streets** intersect at any one point; and
- (2) no angle of intersection is less than **eighty (80) degrees.**

(C) **Construction Standards.** Park streets shall be:

- (1) at least **twenty-eight (28) feet** wide;
- (2) surfaced with asphalt or concrete in accordance with the requirements of **Section 40-2-82(D)**; and
- (3) improved with concrete integral curb and gutter.

40-2-97 **UTILITIES.** Utilities shall be provided to and within manufactured home parks in accordance with the following requirements:

(A) **Water.** An adequate supply of potable water shall be provided in every manufactured home park. If the public water system is accessible, connection shall be made thereto, and its supply shall be used exclusively. If the public water system is not available, a private water system shall be developed and used as approved by the Administrator and the Illinois Department of Public Health. Individual water service shall be provided to each manufactured home space in accordance with Department of Public Health regulations.

(B) **Sewers.** Every manufactured home park shall be served by a central sewage collection system, and every manufactured home in the park shall be properly connected thereto. If the public sewage collection system is close to the park, connection shall be made thereto, and the public system shall be used exclusively. If the public sewer system is not accessible, a private central sewage collection system shall be developed to serve the park. Such private system must be approved by the Administrator, the Illinois Department of Public Health, and the Illinois Environmental Protection Agency.

(C) **Solid Waste.** The operator of every manufactured home park shall provide a sufficient number of watertight, insect/rodent-proof containers to store all refuse generated by the park's residents in one week. The park operator shall also arrange to have all park refuse collected and transported to an approved disposal site at least once per week.

(D) **Electricity.** Electrical service (minimum 200 volts A.C. 100 amperes) shall be provided to each manufactured home space. Transmission and distribution lines shall be installed underground in accordance with Illinois Department of Public Health regulations and the provisions of the National Electrical Code. **(See Article VIII, Division III)** Electrical circuits supplying any accessory structure shall be independent of the circuit supplying the manufactured home.

(E) **Telephone, CATV.** Telephone and cable television lines (if any) shall be installed underground.

40-2-98 **FIRE PROTECTION; HYDRANTS.** Fire hydrants shall be installed in every manufactured home park by the park developer in accordance with the instructions of the appropriate Fire Chief.

40-2-99 **SERVICE BUILDINGS.** Any service building erected in manufactured home park shall meet the requirements of the BOCA Basic National Building Code and Illinois State Plumbing Code adopted as the applicable codes serving the Village. **(See Article VIII, Divisions I and II)**

40-2-100 **MISCELLANEOUS RESTRICTIONS.**
(A) No manufactured home shall be immobilized.
(B) Not more than **one (1)** manufactured home shall be parked in **one (1) space**.
(C) No travel trailer shall be permitted in any manufactured home park except as an accessory use.
(D) No permanent structure within a manufactured home park shall be used as a residence except by park management personnel.
(E) No manufactured home shall be replaced except with a manufactured home of superior quality as determined by appropriate inspection as set forth in **Section 40-2-42(C), (D) and (E)**.

40-2-101 - 40-2-104 **RESERVED.**

DIVISION IX – MINIMUM STANDARDS FOR TRAVEL TRAILER PARK

40-2-105 **APPLICABILITY OF ARTICLE.** Every travel trailer park hereafter established in the Village shall, at a minimum, conform to the standards of this Article. Travel trailer parks are a special use in the "A" and "B-2" Districts, but are prohibited in every other district.

40-2-106 **ENVIRONMENTAL REQUIREMENTS.** Every travel trailer park shall meet the environmental requirements of the subsections below.

(A) **Drainage, Erosion Control.** Conditions of soil, groundwater level, drainage, or topography shall not be hazardous to the health, safety, or property of the park occupants. Exposed ground surfaces in all parts of the park except streets and parking areas shall be protected with vegetation adequate to prevent erosion.

(B) **Insect and Rodent Control.** Trailer parks shall be located away from marshes, landfills, and other potential breeding places for insects and rodents, and shall be maintained free from accumulations of debris. Storage areas shall be so maintained as to prevent rodent harborage. Weeds and brush shall be cut regularly, and extermination methods shall be employed as necessary to prevent infestation.

(C) **Nuisances, Buffering.** No travel trailer park shall be exposed to objectionable smoke, noise, odors, lights, and other adverse conditions. A buffer strip at least **ten (10) feet** wide consisting of densely planted shrubbery that can be expected to reach a height of **ten (10) feet** when full-grown shall be planted and maintained along the entire periphery of the park except at entrances/exits.

40-2-107 **PARK LOT REQUIREMENTS.**

(A) **Minimum Lot Area.** **Three (3) acres.**

(B) **Minimum Width and Depth.** **Two hundred fifty (250) feet.**

(C) **Minimum Setback.** **Twenty-five (25) feet** from all lot lines.

(D) **Maximum Structure Height.** **Thirty-five (35) feet.**

(E) **Maximum Density.** **Twenty (20)** trailer spaces per gross acre.

40-2-108 **INDIVIDUAL TRAILER SPACES.** Each travel trailer space shall be at least **fifty-five (55) feet** long. Each space shall be sufficiently wide and so designed in relation to other spaces as to maintain:

- (A) a **twenty (20) foot** clearance between the long sides of adjacent trailers and between trailers and park buildings; and
- (B) a **ten (10) foot** clearance between the front/rear ends of trailers parked end to end.

40-2-109 **RECREATIONAL AREA.** In every travel trailer park there shall be at least **one (1)** recreational area that is easily accessible from all trailer spaces. Such recreational area shall constitute at least **eight percent (8%)** of the gross park area.

40-2-110 **ACCESS AND STREETS.** Every travel trailer park shall have safe and convenient vehicular access to a major non-residential public street. This access way shall be so designed as to prevent hazards and minimize traffic tie-ups on adjacent streets.

Every travel trailer park shall be provided with one or more easily accessible water supply outlets for filling trailer water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances, and shall be protected against backflow and back siphonage. **[NOTE: A sanitary station cleaning hose shall not be considered a water supply outlet.]**

Internal park streets shall at a minimum be treated with a dust palliative. Such streets shall be at least **twelve (12) feet** wide if designed for one-way traffic, and at least **twenty (20) feet** wide if designed for two-way traffic.

40-2-111 **UTILITIES.** Utilities within travel trailer parks shall be provided in accordance with the following requirements:

(A) **Water.** Travel trailer parks shall meet the water requirements applicable to manufactured home parks (**See Section 40-2-97(A)**), except that service to individual trailer spaces is not mandatory.

(B) **Sewage.** Travel trailer parks shall meet the sewage requirements applicable to manufactured home parks (**See Section 40-2-97(B)**), except that service to individual trailer spaces is not mandatory.

(1) **Sanitary Stations.** If individual trailer space sewer connections are not provided, then at least one sanitary station per **one hundred (100)** trailer spaces or fractional part thereof shall be provided. A sanitary station minimally consist of:

- (a) a trapped **four (4) inch** sewer riser pipe that is connected to the park sewage system, surrounded at the inlet end by a concrete apron sloped to the drain, and provided with a suitable hinged cover; and
- (b) a water outlet, with the necessary appurtenances, connected to the park water supply system to permit periodic washdown of the immediately adjacent areas.

Sanitary stations shall be screened by visual barriers (e.g., fences, walls, natural vegetative growth) and shall be located at least **fifty (50) feet** from the nearest trailer space.

(2) **Sink Wastes.** No liquid wastes from sinks or tubs shall be discharged onto the ground.

(C) **Solid Waste.** Travel trailer parks shall comply with the solid waste collection, storage, and disposal requirements applicable to manufactured home parks. (**See Section 40-2-97(C)**)

(D) **Electrical Service.** Travel trailer parks shall comply with the electrical requirements applicable to manufactured home parks (including underground power lines), except that service to individual trailer spaces is not mandatory.

(E) **Fire Hydrants.** Fire hydrants of the type specified by the Fire Chief shall be installed in every trailer park by the park developer.

40-2-112 SERVICE BUILDINGS. In every trailer park a service building shall be erected in conformity with the adopted Building, Plumbing, and Electrical Code. **(See Article VIII)** The service building shall contain:

- one clothes washer and one clothes dryer per **thirty (30)** trailer spaces or fractional part thereof;
- one janitorial-type sink; and
- toilet and bathing facilities as indicated below, plumbed in accordance with the adopted Plumbing Code. **(See Article VIII, Division II)**

Number of Trailer spaces	Toilets		Urinals (Men)	Lavatories Men/Women	Showers Men/Women
	Men	Women			
1-15	1	1	1	1	1
16-30	1	2	1	2	1
31-45	2	2	1	3	1
46-60	2	3	2	3	2
61-80	3	4	2	4	2
80-100	3	4	2	4	3

(A) **Convenience Stores.** A commercial facility selling groceries and personal use items may be located in a travel trailer park, either within the service building or in a separate facility, provided such facility is primarily intended to serve the occupants of the park.

40-2-113 MISCELLANEOUS RESTRICTIONS.

- (A) No permanent structure within a trailer park shall be used as a residence except by park management personnel.
- (B) No manufactured home shall be permitted in any trailer park except as a residence for park management personnel.
- (C) Not more than one trailer shall be parked in one trailer space.

40-2-114 RESERVED.

DIVISION X - SPECIAL PERMITS AND PROCEDURES

40-2-115 SPECIAL-USE PERMITS. Article II, Division III of this Code divides the Village into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, size, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the Board of Trustees. Because of their special characteristics, Special Use Permits are valid for THE LIFE OF THE APPLICANT. The Board of Trustees need not renew a Special Use Permit, however, if a reason occurs to revoke a Special Use Permit, the Board of Trustees may do so. A Special Use Permit is automatically revoked when the reason for the Special Use Permit no longer exists. Special Use Permits are not transferable.

(A) **Application, Information Required.** Every applicant for a special use permit shall submit to the Administrator, in narrative and/or graphic form, the items of information enumerated

below. The Administrator shall prepare an advisory report on every request for a Special Use Permit. He shall promptly transmit the completed application and his advisory report to the Planning Commission.

ITEMS OF INFORMATION:

- (1) name and address of the applicant;
- (2) name and address of the owner or operator of the proposed structure or use, if different from (1);
- (3) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (4) location of the proposed use or structure, and its relationship to existing adjacent uses of structures;
- (5) area and dimensions of the site for the proposed structure or use;
- (6) existing topography of the site (USGS ten-foot contour data is acceptable), and proposed finished grade;
- (7) existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (8) height and setbacks of the proposed structure;
- (9) number and size of the proposed dwelling units, if any;
- (10) number and location of proposed parking/loading spaces and access ways;
- (11) identification and location of all existing or proposed utilities, whether public or private; and/or
- (12) any other pertinent information that the Administrator may require.

(B) **Public Hearing, Notice.** The Planning Commission shall hold a public hearing on every special use permit application within reasonable time after said application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) by first class mail to the applicant and to all parties whose property would be directly affected by the proposed special use; and
- (2) by publication in a newspaper of general circulation within the Village.

(C) **Advisory Report, Factors Considered.** Within a reasonable time after the public hearing, the Planning Commission shall submit an advisory report to the Board of Trustees. In deciding what their advice should be, the Planning Commission shall consider the following factors:

- (1) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (2) whether the proposed special use is consistent with the Village's Comprehensive P;
- (3) the effect the proposed special use would have on the value of neighboring property and on the Village's overall tax base;
- (4) the effect the proposed special use would have on the public utilities and on traffic circulation on nearby streets; and
- (5) whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

(D) **Action by Board of Trustees.** The Board of Trustees shall act on every request for a Special Use Permit at their next regularly scheduled meeting following submission of the Planning Commission's advisory report. Without further public hearing, the Board of Trustees may grant a Special Use Permit by a resolution passed by simple majority vote of all the members then holding office. In a separate statement accompanying any such resolution, the Board of Trustees shall state findings of facts, and indicate their reasons for approving (with or without conditions) or denying the request for a Special Use Permit.

40-2-116 **TEMPORARY USE PERMITS.** As set forth at **Section 40-2-22** every application for a temporary use permit shall be treated in substantially the same manner as an application for a special use permit. The Board of Trustees shall not initially issue any temporary use permit for a period longer than **one (1) year**, but may renew any such permit as they see fit.

40-2-117 **AMENDMENTS.** The Board of Trustees may amend this Code in accordance with State law (**65 ILCS 5/11-13-14**) and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Board of Trustees, the Administrator, the Zoning Board of Appeals, the Planning Commission, or any party in interest.

(A) **Filing.** Every proposal to amend this Code shall be filed with the Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** (refer to **70 ILCS 405/22.02a**). The Administrator shall promptly transmit the proposal, together with any comments or recommendations he may wish to make, to the Planning Commission for a public hearing.

(B) **Public Hearing, Notice.** The Planning Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) by first class mail to all parties whose property would be directly affected by the proposed amendment; and
- (2) by publication in a newspaper of general circulation within the Village.

(C) **Advisory Report, Findings of Fact.** Within a reasonable time after the public hearing, the Planning Commission shall submit an advisory report to the Board of Trustees. The report shall state the Planning Commission's recommendations regarding adoption of the proposed amendment, and their reasons therefore. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Planning Commission shall include in their advisory report findings of fact concerning each of the following matters:

- (1) existing use(s) and zoning of the property in question;
- (2) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (3) suitability of the property in question for uses already permitted under existing regulations;
- (4) suitability of the property in question for the proposed use;
- (5) the trend of development in the vicinity of the property in question, including changes (if any) which may have required since that property was initially zoned or last rezoned; and
- (6) the effect the proposed rezoning would have on implementation of the Village's Comprehensive Plan.

(D) **Action by Board of Trustees.** The Board of Trustees shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Planning Commission's advisory report. Without further public hearing, the Board of Trustees may pass any proposed amendments or may refer it back to the Planning Commission for further consideration, by simple majority vote of all the members then holding office.

(E) **Exception.** The favorable vote of at least **two-thirds (2/3)** of all the members of the Board of Trustees is required to pass an amendment to this Code when the proposed amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered.

40-2-118 ZONING BOARD OF APPEALS. The Zoning Board of Appeals, originally established under the former Zoning Code, is hereby reestablished. **(65 ILCS 5/11-13-3)**

(A) **Incidents of Office.** The Zoning Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within the Village. Each Board member shall be appointed by the Mayor with the advice and consent of the Board of Trustees, and shall hold office for **five (5) years** from the date of his appointment or until his successor has been selected and qualified. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. Each Board member shall receive for his services, such compensation, if any as is determined from time to time by the Board of Trustees. With the advice and consent of the Board of Trustees, the Mayor may remove any member of the Zoning Board of Appeals for cause, after a public hearing. Vacancies on the Board shall be filled in the same manner as provided for the appointment of new members.

(B) **Meetings, Records.** Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt rules of procedures consistent with this Code and the applicable Illinois Statutes. The Board may select such officers as it deems necessary. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board action. The Board shall keep minutes of its proceedings indicating the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board shall be filed immediately in the Board's office, and shall be a public record.

40-2-119 APPEALS. Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law **(65 ILCS 5/11-13-12)** and the provisions of this Section.

(A) **Filing Record Transmittal.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case.

(B) **Stay of Further Proceedings.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, a further action shall not be stayed unless the Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause, and so notifies the Administrator.

(C) **Public Hearing, Notice.** The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) by first-class mail to all parties directly affected by the appeal; and
- (2) by publication in a newspaper of general circulation within the Village. The Zoning Board of Appeals shall, within a reasonable time after the public hearing, submit an advisory report to the Board of Trustees.

(D) **Decision by Board of Trustees.** The Board of Trustees shall act on every appeal at their next regularly scheduled meeting following the advisory report from the Zoning Board of Appeals. The Board of Trustees may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing the Board of Trustees has all the power of the Administrator.

40-2-120 VARIANCES. A variance is a relaxation of the Code requirements applicable to a particular lot, structure, or use. A so-called “use variance” (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment and may be granted only as provided for in **Section 40-2-117**.

(A) **Application.** Every application for a variance shall be filed with the Administrator on a prescribed form, every variance application shall also be filed with the **Soil and Water Conservation District** as per State law (**70 ILCS 405/22.02a**). The Administrator shall promptly transmit said application to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following:

- (1) name and address of the applicant;
- (2) location of the structure/use for which the variance is sought;
- (3) relationship of said structure/use to existing structures/uses on adjacent lots;
- (4) specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (5) any other pertinent information that the Administrator may require.

(B) **Public Hearing, Notice.** The Zoning Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

- (1) by first class mail to the applicant and to all parties whose property would be directly affected by the proposed variance; and
- (2) by publication in a newspaper of general circulation within the Village.

(C) **Standards for Variances.** A variance shall not be granted unless, based upon the evidence presented it is determined that:

- (1) the proposed variance is consistent with the general purposes of this Code (**Section 40-2-1**); and generally consistent with surrounding properties within **two hundred fifty (250) feet**; and
- (2) strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
- (3) the proposed variance is the minimum deviation from Code regulations that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
- (4) the plight of the applicant is due to peculiar circumstances not of his own making; and
- (5) the peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (6) the variance, if granted, will not alter the essential character, of the area where the premises in question are located nor materially frustrate implementation of the Village’s Comprehensive Plan.

(D) **Terms of Relief, Findings of Fact.** Within a reasonable time after the public hearing the Zoning Board of Appeals shall submit an advisory report to the Board of Trustees. The Board of Trustees shall render a decision on every variance request at their next regularly scheduled meeting following the report from the Zoning Board of Appeals. The Board of Trustees shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Trustees reasons for granting or denying any variance.

APPENDIX A

MANUFACTURED HOUSING

There are many terms used to describe housing units that are constructed at a factory. These terms include trailers, mobile homes, manufactured homes, sectionalized homes, panelized homes, modular homes, HUD homes, industrialized housing and factory built homes. Because of the similarity of these terms, there often is much confusion to potential or actual owners of these units, dealers, building and zoning officials, and lending and taxing agencies.

Since one-third of all homes built in the country today are manufactured at a factory away from the final site of the home, it is important that there be a correct understanding of the terminology and regulations of the product.

DEFINITIONS

In general, the construction of all manufactured housing located in Illinois must be approved by either the Federal Department of Housing and Urban Development (HUD) or the State Department of Public Health.

All mobile type homes constructed after **June 15, 1976** must comply with the National Manufactured Home Construction and Safety Standards. These standards apply uniformly across the country and it is illegal for a local unit of government to require additional construction requirements. A red metal label must be permanently affixed to the rear of each towable unit.

The federal standard refers to such a unit as a "manufactured home" which is defined as "a structure, transportable in one or more sections, which, in the traveling mode, is **eight (8) body feet** or more in width or **forty (40) body feet** or more in length, or when erected on site, is **three hundred twenty (320)** or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

This type of unit is an evolution from the "trailers" or "trailer coaches" that were popular from 1920-1950. During the 50's the standard unit increased in length and contained bathrooms. They soon became known as "mobile homes". In **October of 1980**, the term "mobile home" was changed to "manufactured home" in the Federal standards. These units often are also called "HUD homes" since the Department of Housing and Urban Development (HUD) establishes the construction standards.

The second type of manufactured housing is regulated by the Illinois Department of Public Health. This type of unit is called a "manufactured housing unit" and is defined as "a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation or assembly and installation on the building site, with a permanent foundation.

A permanent foundation means a closed perimeter foundation consisting of materials such as concrete or concrete block which extends into the ground below the frost line.

These types of units may be either panelized (floor, wall and roof panels are assembled at the final site) or sectional (the home is shipped as a box-like configuration). These units are often called modular homes.

The State-approved manufactured housing unit must comply with the One and Two-Family Dwelling Code, the Illinois State Plumbing Code, the National Electrical Code, and the ASHRAE Energy Standard.

An approved manufactured housing unit will have a yellow seal on the electrical panel box of the home. Contrary to provisions for HUD-approved homes, the local building official may require additional items other than the minimum state requirements to be incorporated into the construction. These requirements must be filed with the Illinois Department of Public Health.

It should be noted that units are manufactured at a factory without the installation of the utilities such as the plumbing, electrical and heating system are subject only to local regulations like a site-built home.

It also should be noted that neither the State nor the Federal government regulate the construction of recreational vehicles. A "recreational vehicle" can be fined as "a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home."

DIFFERENCES IN CONSTRUCTION CODES

Some of the major differences between the HUD construction code and the Illinois code for manufactured housing units are as follows:

1. A permanent perimeter foundation extending below the frost line is required by the Illinois code. The HUD code allows the home to be supported by concrete blocks located underneath the I-beams. State law does require that HUD homes be tied down to prevent possible personal and property damage.
2. The HUD code requires a minimum 6-foot 2-inch by 2-foot 8-inch entrance door, whereas the State code requires the door to be at least 6-foot 8-inch by 3-foot.
3. The HUD code requires hallways to be a minimum width of **twenty-eight (28) inches** whereas the State code required a minimum width of **thirty-six (36) inches**.
4. Regarding the plumbing system, there are several differences between the HUD code and the Illinois State Plumbing Code for the State-approved manufactured housing units. Some of the pipe material approved by the HUD code does not meet the Illinois Plumbing Code requirements. The Illinois code requires that the drainage system be vented to the outside atmosphere whereas the HUD code allows the use of "quick vents" which obtain their air from within the home. A backflow protection device for all hose faucets is required by the Illinois Plumbing Code.
5. The State code requires the egress windows in the bedroom to be 5.7 square feet as opposed to the 5.0 square foot requirement in the HUD code.
6. The HUD code allows framing members to deflect vertically 1/240th of the span as opposed to the State code requirements of only 1/360th of the span. This represents **fifty percent (50%)** more deflection.
7. The roofs of State approved units must be designed for a minimum load of **thirty (30) pounds** per square foot. The HUD code requires that homes located in Illinois be designed for a **twenty (20) pound** per square foot load.

ARTICLE III - SIGN CONTROL CODE

DIVISION I – GENERAL SIGN REGULATIONS

40-3-1 **GENERAL PROHIBITION.** Any sign not expressly permitted in this Article shall be deemed prohibited.

40-3-2 **COMPUTATION OF SIGN AREA ALLOWANCE.** Within the limitations and restrictions as further provided in this Article, the total of the areas of all signs which an establishment is permitted to display shall be computed according to the following formula:

One and one-half (1.5) square feet of sign area per one (1) foot of street frontage for the first one hundred (100) feet of such frontage plus one (1) square foot of sign area per one (1) foot of frontage in excess of one hundred (100) feet of such frontage,

provided, that no establishment in any district shall display more than **three hundred (300) square feet** of signs.

(A) **Definition of Sign Area.** As used in this Article, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign.

(B) **Special Situations.**

- (1) If an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any **one (1) frontage** a greater area of signs than would be permitted by application of the formula set forth above.
- (2) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

40-3-3 **SIGNS NOT TO BE HAZARDOUS.**

(A) No sign shall be erected, relocated, or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic sign, signal, or device. Accordingly, no sign shall contain the words "stop", "go", "caution", "danger", "warning" or similar words. **(See Section 40-3-4(A))**

40-3-4 **ILLUMINATION.** Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color. Beacon lights and illumination by flame are prohibited.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness creates neither a nuisance to adjacent property nor a traffic hazard.

(D) No exposed reflective type bulb and no strobe light or incandescent lamp which exceeds **fifteen (15) watts** shall be used on the exterior surface of any sign in such manner as to expose the face of the bulb, light, or lamp to any public street or adjacent property.

40-3-5 MOVEMENT PROHIBITED. Every sign that revolves, rotates, or mechanically moves in any manner is prohibited.

40-3-6 STRUCTURAL AND MAINTENANCE REQUIREMENTS.

(A) Every sign shall be designed and constructed in conformity with the applicable provisions of the Building Code (**See Division VIII, Article I**), and shall be free of any exposed extra bracing, angle iron, guywires, cables, etc.

(B) Every sign shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

40-3-7 NONCONFORMING SIGNS. No existing sign that does not conform to the requirements of this Article shall be:

(A) altered or expanded in such a way as to increase its nonconformity;

(B) replaced or relocated unless it will be made to comply with every applicable regulation of this Article;

(C) reestablished after it has been damaged or destroyed to the extent of **fifty percent (50%)** or more of its market value at the time of loss as determined by the Administrator; or

(D) allowed to remain beyond **five (5) years** after the effective date of this Code.

40-3-8 PERMIT. No signage shall be placed, erected, enlarged, remodeled or replaced within the Village except by Permit. The application for signage permit shall be filed with the Zoning Administrator. All signs and outdoor advertising structures must be in compliance with this Code, all Village ordinances and any relevant building codes.

The application for a signage permit must contain the following:

(A) Complete application.

(B) Detailed Site Plan indicating location of all signage.

(C) Elevation(s) of all mounted signage, if any.

(D) Rendering(s) of all signage.

(E) Elevation of any freestanding sign.

(F) Square footage of each sign and total square footage of all signage requested.

No sign or outdoor advertising structure may be installed, erected, constructed, modified, altered, displayed or relocated without submitting a completed application and obtaining a property permit from the Administrator, except as otherwise provided in this Code. All signs and outdoor advertising structures must be in compliance with this Code, all Village ordinances and any relevant building codes. **(Ord. No. 1041; 12-19-07)**

40-3-9 REMOVAL. A sign or outdoor advertising structure shall be removed by its owner if the sign or outdoor advertising structure identifies a business, product, place, activity or purpose that no longer exists at that location. If the owner fails to remove the sign or outdoor advertising structure, then the Zoning Administrator may give notice as required in this Code and proceed with removing the sign or outdoor advertising structure thereafter. **(Ord. No. 1041; 12-19-07)**

DIVISION II – REGULATIONS BASED ON TYPE AND LOCATION OF SIGNS

40-3-10 **STRICTLY PROHIBITED SIGNS.** Except as specifically noted otherwise, the following signs and street graphics are strictly prohibited throughout the Village:

- (A) Mobile/Portable Marquees.
- (B) Pennants, streamers, strings of light bulbs, spinners, or similar devices.
- (C) Signs attached to trees, fences, or public utility poles, other than warning signs issued by government officials or public utilities.
- (D) Defunct Signs, including the posts or other supports therefore, that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.
- (E) Roof-mounted signs.

40-3-11 **PERMITTED SIGNS.** Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the Village. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. **(See Section 40-3-2)**

(A) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed **sixteen (16) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs**, indicating the sale, rental, or lease of the premises on which they are located. Such signs on residential property shall not exceed **four (4) square feet**; on other property such signs shall not exceed **sixteen (16) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Campaign Signs**, announcing candidates seeking public/political office and/or political issues and other pertinent information. Such signs shall be confined to private property. In the Agricultural District and in any residential district, political campaign signs shall not exceed **sixteen (16) square feet**; in other districts, such signs shall not exceed **thirty-two (32) square feet**. Political campaign signs shall be removed within **seven (7) days** after the election to which they pertain, by the party(s) responsible for their erection.

(D) **Street Banners** advertising a public entertainment or event. Such banners may be displayed only during the period **fourteen (14) days** before and **seven (7) days** after the event.

(E) **Garage Sale Signs** advertising a garage or yard sale on private residential property. Such signs shall not exceed **four (4) square feet**, and shall not be posted for longer than **five (5) days**.

(F) **Public Interest Signs** publicizing a charitable or non-profit event of general public interest. Such signs shall be erected only on private property. In the Agricultural District and in any Residential District, such signs shall not exceed **thirty-two (32) square feet**. Public interest signs shall be permitted only for **fourteen (14) days** before and **seven (7) days** after the event.

(G) **Governmental or Public Signs** such as traffic control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, no trespassing signs, etc.

(H) **Institutional Signs** for a public, charitable, or religious institution. Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet**.

(I) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(J) **Directional and Informational Signs** erected for the convenience of the public, such as signs identifying entrances, exits, parking areas, no parking areas, restrooms, public telephones, walkways and similar features or facilities. Such signs shall not exceed **three (3) square feet**.

(K) **Home Occupation Signs** identifying only the name and occupation of the residents. Home occupation signs shall be non-illuminated and flush-mounted and shall not exceed **four (4) square feet**.

(L) **Subdivision Entrance Signs** identifying residential subdivision or apartment complex. Such signs shall contain no commercial advertising, and shall not exceed **forty (40) square feet**.

(M) **House Numbers and/or Name of Occupant Signs** located on the lot to which the sign applies. Such signs shall not exceed **three (3) square feet** for single-family dwellings nor **six (6) square feet** for multiple-family dwellings.

(N) **Interior Signs.** Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

40-3-12 AGRICULTURAL, RESIDENTIAL DISTRICTS. On or after the effective date of this Code, no sign other than those listed in **Section 40-2-11** shall be erected in the Agricultural District or in any Residential District.

40-3-13 COMMERCIAL AND INDUSTRIAL DISTRICTS. No establishment located in any of the commercial districts or in the Industrial District shall display a total area of signs in excess of the allowance derived by application of the formula set forth in **Section 40-3-2**. Additionally, signs in any commercial district or in the Industrial District shall conform to the requirements indicated in the paragraphs below:

(A) **Flush-Mounted Signs.** No flush-mounted (wall) sign shall:

- (1) project more than **eighteen (18) inches** from the wall or surface to which it is attached. If such wall or surface is not vertical, the projection shall be measured from the closest point of the wall or surface to the street graphic; or
- (2) extend more than **three (3) feet** above the roof line of the building to which it is attached.

(B) **Window Signs.** Signs permanently mounted in display windows shall be debited against the sign area allowance of the particular establishment.

(C) **Projecting Signs.** No establishment shall display more than **one (1)** projection sign on any street front. No projecting sign shall:

- (1) project more than **three (3) feet** above the roof line of the building to which it is attached;
- (2) extend below a point **eight (8) feet** above the ground or pavement; or
- (3) project over a driveway or any public street right-of-way; or
- (4) project more than **four (4) feet** from the building to which it is attached; or
- (5) extend **sixteen (16) square feet** in area.

(D) **Canopy or Marquee Signs.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of **Section 40-3-13(A)**. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Section 40-3-13(C)**.

(E) **Freestanding Signs.** No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

- (1) No part of any freestanding sign shall intrude into any public right-of-way. The structural supports of any freestanding sign shall be situated at least **ten (10) feet** from the public right-of-way line.
- (2) The area of any freestanding sign, calculated in accordance with **Section 40-3-2(A)** shall not exceed **one hundred (100) square feet**.

(3) When attached to its structural support, no part of any freestanding sign shall extend more than **twenty (20) feet** above the ground or pavement; provided that this paragraph shall not apply to freestanding identification signs located in the "B-2" Interchange Area Business District.

(4) Shall display the address of the establishment for which the sign belongs in Arabic Numbers a minimum of **seven (7) inches** in height. **(Ord. No. 1120; 01-19-11)**

(F) **Billboards.** Billboards (and other off-premises advertising signs) are strictly prohibited in every district except the Industrial District. No billboard shall:

(1) be stacked on top of another billboard; or

(2) be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way; or

(3) be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway; or

(4) have the tops more than **twenty (20) feet** above the ground or pavement; or

(5) exceed **three hundred (300) square feet** in area.

[NOTE: Mounds, berms or other means of elevation manipulations cannot be used for elevating the location of the billboard.]

APPENDIX A

**SUMMARY OF SIGN CONTROLS
CASEYVILLE, ILLINOIS**

Major Characteristic Or Type of Sign	Pertinent Code Section	Important Provisions
Sign Area Allowance	40-3-2	1.5 sq. ft. of sign per 1.0 ft of frontage for first 100 ft. of frontage; then 1.0 sq. ft. of sign per 1.0 ft. of frontage. Maximum sign area: 300 sq. ft.
Illumination	40-3-4	No flashing, fluttering, or blinking lights.
Movement	40-3-5	Mechanical movement of any sort prohibited.
Nonconforming Signs	40-3-7	Must be removed within 5 years.
Portable Marquees	40-3-10	Strictly prohibited.
Signs of Defunct Establishment	40-3-10	Strictly prohibited—including the posts.
Billboards	40-3-13(F)	Strictly prohibited.
Roof Signs	40-3-10	Strictly prohibited.
Flush-Mounted (Wall) Signs	40-3-13(C)	Maximum projection: 18 in. Shall not extend more than 3 ft. above roof line.
Projecting Signs	40-3-13(C)	Minimum height above pavement: 8 ft. Shall not extend more than 3 ft. above roof line.
Freestanding Signs	40-3-13(E)	Minimum setback from public right-of-way: 10 ft. Minimum setback from public right-of-way: 10 ft. Maximum height: 20 ft. Minimum height of address numbers: 7 inches (Ord. No. 1120; 01-19-11)

ARTICLE IV - FLOOD PLAIN CODE

40-4-1 **PURPOSE.** This Article is enacted pursuant to the police powers granted to this Village by the Illinois Municipal Code (**65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2**) in order to accomplish the following purposes:

- (A) to prevent unwise developments from increasing flood or drainage hazards to others;
- (B) to protect new buildings and major improvements to buildings from flood damage;
- (C) to promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding;
- (D) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) to maintain property values and a stable tax base by minimizing the potential for creating blight areas; and
- (F) to make federally subsidized flood insurance available.
- (G) to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

40-4-2 **DEFINITIONS.** For the purposes of this Article, the following definitions are adopted:

Base Flood: The flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 40-4-3** of this Article.

Base Flood Elevation (BFE): The elevation in relation to mean sea level of the crest of the base flood.

Building: A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers to be installed on a site for more than **one hundred eighty (180) days** per year.

Critical Facility: Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

Development: Any man-made change to real estate including, but not necessarily limited to:

- (A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (B) Substantial improvement of an existing building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;
- (D) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (E) Construction or erection of levees, dams, walls, or fences;
- (F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (G) Storage of materials including the placement of gas and liquid storage tanks; and

(H) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

FEMA: Federal Emergency Management Agency.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Fringe: That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map: A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Floodplain and Special Flood Hazard Area (SFHA): They are synonymous. Those lands within the jurisdiction of the Village, the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, that are subject to inundation by the base flood. The floodplains of the Village are generally identified as such on the countywide Flood Insurance Rate Maps of St. Clair County, Illinois and incorporated areas prepared by the Federal Emergency Management Agency and dated **November 5, 2003**. Floodplain also includes those areas of known flooding as identified by the Village.

Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate: A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

Flood Protection Elevation or FPE: The elevation of the base flood plus **one (1) foot** of freeboard at any given location in the floodplain.

Floodway: That portion of the floodplain required to store and convey the base flood. The floodways for the floodplains of **Canteen Creek** and **Little Canteen Creek** shall be as delineated on the countywide Flood Insurance Rate Map of St. Clair County, Illinois and incorporated areas prepared by the Federal Emergency Management Agency and dated **November 5, 2003**. The floodways for each of the remaining floodplains of the Village, the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be according to the best data available from Federal, State, or other sources.

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

Manufactured Home: A structure transportable in **one (1)** or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

NFIP: National Flood Insurance Program.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a **ten (10) year** period for which the cost of repairs at the time of each such flood event on the average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

SFHA: See definition of floodplain.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed **fifty percent (50%)** of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

Substantial Improvement: Any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Travel Trailer (or Recreational Vehicle): A vehicle which is:

- (A) built on a single chassis;
- (B) **four hundred (400) square feet** or less in size;
- (C) designed to be self-propelled or permanently towable by a light truck; and
- (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

40-4-3 BASE FLOOD ELEVATION. This Article's protection standard is the base flood. The best available base flood elevation data are listed below. **Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior any development of the site.**

(A) The base flood elevation for the floodplains of Canteen Creek, and Little Canteen Creek, shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of St. Clair County, Illinois prepared by the Federal Emergency Management Agency and dated **November 5, 2003**.

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Maps of St. Clair County, Illinois.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the Flood Insurance Rate Maps of St. Clair County, Illinois shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

The base flood elevation for the floodplains of those parts of St. Clair County, Illinois that are within the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, shall be as delineated on the 100-year flood profiles of the Flood Insurance Study of St. Clair County, Illinois prepared by the Federal Emergency Management Agency and dated **November 5, 2003**.

40-4-4 DUTIES OF THE VILLAGE ADMINISTRATOR. The Administrator shall be responsible for the general administration of this Article and ensure that all development activities within the floodplains under the jurisdiction of the Village meet the requirements of this Article. Specifically, the Administrator shall:

- (A) Process development permits in accordance with **Section 40-4-5**;
- (B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 40-4-6**.

- (C) Ensure that the building protection requirements for all buildings subject to **Section 40-4-7** are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- (D) Assure that all subdivisions and annexations meet the requirements of **Section 40-4-8**;
- (E) Ensure that water supply and waste disposal systems meet the Public Health standard of **Section 40-4-9**;
- (F) If a variance is requested, ensure that the requirements of **Section 40-4-10** are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all actions outlined in **Section 40-4-12** as necessary to ensure compliance with this Article;
- (H) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;
- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with State and Federal floodplain management agencies to coordinate base flood data and to improve the administration of this Article; and
- (L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Article.
- (M) Perform site inspections and make substantial damage determinations for structures within the floodplain.
- (N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within **six (6) months** whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

40-4-5 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the Administrator. The Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Article.

- (A) The application for development permit shall be accompanied by:
 - (1) drawings of the site, drawn to scale showing property line dimensions;
 - (2) existing grade elevations and all changes in grade resulting from excavation or filling;
 - (3) the location and dimensions of all buildings and additions to buildings; and
 - (4) the elevation of the lowest floor (including basements) of all proposed buildings subject to the requirements of **Section 40-4-7** of this Article;
 - (5) cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- (B) Upon receipt of an application for development permit, the Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this Article. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this Article. The Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

40-4-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within all floodways identified on the countywide Flood Insurance Rate Map of St. Clair County, Illinois prepared by Federal Emergency Management Agency and dated **November 5, 2003**, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in **Section 40-4-6(B)**, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No., 4;
- (3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
- (4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
- (5) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
- (6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
- (10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and
- (11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
- (12) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

(B) Other development activities not listed in (A) may be permitted only if:

- (1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and
- (2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

40-4-7 **PROTECTING BUILDINGS.** In addition to the damage prevention requirements of **Section 40-4-6**, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation.

(A) This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building valued at more than **One Thousand Dollars (\$1,000.00) or seventy (70) square feet;**
- (2) Structural improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this Article;
- (3) repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this Article;
- (4) Structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%);**
- (5) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not

apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and

- (6) Installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.
 - (7) repetitive loss to an existing building as defined in **Section 40-4-2**.
- (B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
- (1) The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including basement) shall be at or above the flood protection elevation;
 - (b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation;
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - (d) The fill shall be composed of rock or soil and not incorporated debris or refuse materials; and
 - (e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or
 - (2) The building may be elevated in accordance with the following:
 - (a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - (c) If walls are used, all fully enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of **one (1)** permanent opening on each wall no more than **one (1) foot** above grade. The openings shall provide a total net area of not less than **one (1) square inch** for every **one (1) square foot** of enclosed area subject to flooding below the base flood elevation;
 - (d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
 - (e) The finished interior grade shall not be less than the finished exterior grade;
 - (f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
 - (g) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and
 - (h) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
- (C) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) elevated to or above the flood protection elevation; and

- (2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.

(D) Travel trailers and recreational vehicles on site for more than **one hundred eighty (180) days** shall meet the elevation requirements of **Section 40-4-7(C)** unless the following conditions are met:

- (1) the vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and
- (2) the vehicle must not be attached to external structures such as decks and porches; and
- (3) the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and
- (4) the vehicles largest horizontal projections must be no larger than **four hundred (400) square feet**; and
- (5) the vehicle's wheels must remain on axles and inflated; and
- (6) air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and
- (7) propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation; and
- (8) the vehicle must be licensed and titled as a recreational vehicle or park model; and
- (9) the vehicle must be either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(E) Non-residential buildings may be structurally floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

- (1) below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- (2) the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impact from debris and ice; and
- (3) floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

- (1) The garage or shed must be non-habitable; and
- (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
- (3) The garage or shed must be located outside of the floodway; and
- (4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot; and
- (5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and
- (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and
- (7) The garage or shed must have at least **one (1) permanent opening** on each wall no more than **one (1) foot** above grade with **one (1) square inch** of opening for every square foot of floor area; and

- (8) The garage or shed must be less than **Seven Thousand Five Hundred Dollars (\$7,500.00)** in market value or replacement cost whichever is greater or less than **five hundred (500) square feet**; and
- (9) The structure shall be anchored to resist flotation and overturning; and
- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
- (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(G) A building may be constructed with a crawlspace located below the flood protection elevation provided the following conditions are met:

- (1) the building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- (2) any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than **one (1) square inch per one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade; and
- (3) the interior grade of the crawlspace below the flood protection elevation must not be more than **two (2) feet** below the lowest adjacent exterior grade; and
- (4) the interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed **four (4) feet** at any point; and
- (5) an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
- (6) portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
- (7) utility systems within the crawlspace must be elevated above the flood protection elevation.

40-4-8 SUBDIVISION REQUIREMENTS. The Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 40-4-6** and **40-4-7** of this Article. Any proposal for such development shall include the following data:

- (1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
- (2) The boundary of the floodway when available; and
- (3) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (**765 ILCS 205/2**).

40-4-9 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 40-4-6** and **40-4-7**, the following standards apply:

- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of **Section 40-4-7** of this Article.
- (2) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;
- (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
- (5) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

40-4-10 VARIANCES. Whenever the standards of this Article place undue hardship on a specific development proposal, the applicant may apply to Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees. The Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this Article.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- (1) The development activity cannot be located outside the floodplain;
- (2) An exceptional hardship would result if the variance were not granted;
- (3) The relief requested is the minimum necessary;
- (4) There will be no additional threat to public health or safety, or creation of a nuisance;
- (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (7) All other required state and federal permits have been obtained.

(B) The Board of Trustees shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 40-4-7** that would lessen the degree of protection to a building will:

- (1) Result in increased premium rates for flood insurance up to **Twenty-Five Dollars (\$25.00)** per **One Hundred Dollars (\$100.00)** of insurance coverage;
- (2) Increase the risks to life and property; and
- (3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of **Section 40-4-7** of this Article requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of **Section 40-4-9 (A)(1-5)**.

40-4-11 **DISCLAIMER OF LIABILITY.** The degree of protection required by this Article is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Article does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Article does not create liability on the part of the Board of Trustees or any officer or employee thereof for any flood damage that results from proper reliance on this Article or any administrative decision made lawfully thereunder.

40-4-12 **PENALTY.** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Article. Upon due investigation, the Board of Trustees may determine that a violation of the minimum standards of this Article exists. The Board of Trustees shall notify the owner in writing of such violation.

(A) If such owner fails after **ten (10) days** notice to correct the violation:

- (1) The Board of Trustees shall make application to the Circuit Court for an injunction requiring conformance with this Article or make such other order as the court deems necessary to secure compliance with this Article.
- (2) Any person who violates this Article shall, upon conviction thereof, be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense; and
- (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (4) The Board of Trustees shall record a notice of violation on the title to the property.

(B) The Board of Trustees shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(C) Nothing herein shall prevent the Board of Trustees from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

40-4-13 **ABROGATION AND GREATER RESTRICTIONS.** This Article repeals and replaces other ordinances adopted by the Board of Trustees to fulfill the requirements of the National Flood Insurance Program including: Ordinance #858 An Ordinance Regulating Development in the Floodplain Areas, dated **September 17, 1997**. However, this Article does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this Article repeal, abrogate, or impair any existing easements, covenants or deed restrictions. Where this Article and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

ARTICLE V - PLANNED UNIT DEVELOPMENT CODE

40-5-1 **INTENT AND PURPOSE.** This Article establishes provisions for a Planned Unit Development (PUD). The purpose of this Article, Planned Unit Development, is to achieve the objectives enumerated in the Development Code (the general intent and purpose of the Code) and the following additional objectives:

- (A) to provide a regulatory mechanism whereby the Village can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the Village's issuance of the necessary zoning, subdivision, and/or building permit;
- (B) to permit development of a variety of mixed uses in proximity to each other in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees, and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein; and
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

40-5-2 **MINIMIZE SIZE AND DEVELOPMENT PERMITTED.** Planned Unit Developments are of three types in the Village: residential, business, and industrial. A Planned Unit Development (PUD) is a tract of land which is developed as a unit under single ownership or control, which includes **two (2)** or more municipal buildings, and which is at least **five (5) acres** in area, except for a planned development operated by a municipal corporation which shall be at least **two (2) acres** in area, and planned industrial developments, which shall be at least **ten (10) acres** in area. A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the Village. The minimum area requirement may be reduced by the Board of Trustees on appeal, when it is found that conformance to the provisions contained elsewhere in this Code relating to lot size, bulk, dwelling type, or number of structures or other requirements would result in a gross waste or inefficient use of a substantial portion of land area contained in a particular parcel proposed as the Planned Unit Development or which would result in other consequences deemed incompatible with the purposes of this Code and the Comprehensive Plan.

Planned Residential Developments and Planned Commercial Developments may be proposed in combination. Planned Commercial Developments and Planned Industrial Developments may be proposed in combination. Planned Residential Developments and Planned Industrial Developments may not be proposed in combination.

(A) **Planned Residential Development (PRD).** An area of minimum contiguous size, specified by this Article, to be planned, developed, operated, and maintained as a unified development and containing one or more residential clusters, and with appropriate business, public, or quasi-public uses as may be approved by the Board of Trustees, provided that such other uses are primarily for the benefit of the residential development.

(B) **Planned Commercial Development (PCD).** An area of minimum contiguous size, specified by this Article, to be planned, developed, operated, and maintained as a unified development and containing one or more structures to accommodate retail, service, commercial, or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses in the development.

(C) **Planned Industrial Development (PID).** A planned development consisting primarily of industrial uses, with such other appropriate business, public, or quasi-public uses as may be included on approval if such uses are primarily incidental to the industrial development.

40-5-3 PLANNED RESIDENTIAL DEVELOPMENT (PRD).

(A) **Dwelling Unit Density and Area.** The number of dwelling units which may be constructed within a Planned Residential Development will be determined by dividing the project area by the required lot area per dwelling unit which is required in the zoning district in which the planned development is located. In cases where the land to which the plan is divided into **two (2)** or more adjoining districts of differing restrictions, the maximum number of dwelling units which may be located on the entire development parcel may not exceed the combination of the aggregate number of dwelling units permitted on each such parcel. In each Planned Residential Development the minimum lot size for any single family residential structure located within the development shall average not less than **ten thousand five hundred (10,500) square feet.** Dwelling requirements in the Planned Residential Development will comply with the base zoning district requirements applicable to the development, unless a different dwelling area is approved as a part of the review process.

(B) **Ground Coverage.** The percentage of ground area of a Planned Residential Development to be occupied by buildings and structures not included in common open space shall be the same as permitted in the existing zoning district in which the parcel or zoning lot is located, unless otherwise approved as part of the review of the Planned Unit Development.

(C) **Common Open Space.**

(1) Common open space shall be provided in all Planned Residential Developments for the benefit of all residents of the development and shall be of a design approved by the Planning Commission and Board of Trustees. Construction and completion of all common open space and other common use or public facilities included in the plan for the development shall occur at an equivalent or greater rate than the construction of residential structures within the development.

(2) The Planning Commission and Board of Trustees shall establish conditions necessary to assure the preservation and maintenance of common open space for their intended purpose as demonstrated in the development plan. The developer shall give legally enforceable assurances satisfactory to the Planning Commission and Board of Trustees, that common open space and/or public facilities shall be properly developed and maintained throughout the life of the Planned Residential Development.

(D) **Deed Covenants.**

(1) The Planned Residential Development plan shall contain such covenants, easements, and other provisions relating to the bulk, location, and density, of all structures, including residential structures, non-residential structures, common facilities, public facilities, and other structures, within the development as are necessary for the welfare of the Planned Residential Development project and are not inconsistent with the best interest of the Village.

(2) Such covenants may include condominium provisions and provisions for the creation and maintenance of homeowner or property owner associations to maintain common open space, common facilities, and public facilities within the development, and shall be a requirement for such developments. All such deed covenants and similar instruments shall be subject to approval by the Planning Commission and the Board of Trustees. All developments shall provide for such means, through home owner or property owner associations or the equivalent, to provide for the maintenance of all common open spaces, common facilities and public facilities within the development.

(E) **Landscaping and Utility Lines.**

(1) All required open space, parking lot islands, and all land area not otherwise developed shall be appropriately landscaped in a manner, with Village approval, that enhances the appearance of the Planned Residential Development project.

- (2) All utility lines shall be installed beneath the surface of the ground and a planned layout and specifications to accomplish these requirements shall be submitted to the Administrator as an integral part of the Planned Residential Development plan. All Planned Residential Developments shall be provided with public water and public sanitary sewer systems.

(F) **Parking.** Sufficient parking shall be provided on the same site as the use which it is intended to serve. Such parking must be in an amount comparable to the requirements for the zoning district in which the parcel is located. Additional parking may be required where it is deemed necessary for proper development of the Planned Residential Development, or provision of space to add future parking may be required as part of the development.

(G) **Natural Features.** Provision is to be made in each plan to accommodate and assure the maintenance of unique natural and man-made amenities such as streams, stream banks, floodplains, wooded areas, rough terrain, historic sites, and similar areas consistent with the development of the Planned Residential Development.

40-5-4 PLANNED COMMERCIAL DEVELOPMENT (PCD). A Planned Commercial Development is intended to be utilized for the establishment of shopping centers, medical centers, recreational areas, office complexes with mixed uses, and similar types of generally larger scale compatible use developments. The intent of a Planned Commercial Development is to allow such mixed uses in a compatible format.

(A) **Requirements and Standards for Planned Commercial Development.** Projects developed within a Planned Commercial Development are subject to the following requirements:

- (1) **Natural Features.** Provision is to be made in each plan to accommodate and assure the maintenance of unique natural and man-made amenities such as streams, stream banks, floodplains, wooded areas, rough terrain, historic sites, and similar areas consistent with the development of the Planned Commercial Development.
- (2) **Unified Control.** The developed land is or will be under continuing unified control during and after construction, subject to the provisions of this Code.
- (3) **Common Open Space.**
 - (a) Common open space shall be provided in all Planned Commercial Developments for the benefit of all residents of the development and shall be a design approved by the Planning Commission and Board of Trustees. Construction and completion of all common open space and other common use or public facilities included in the plan for the development shall occur at an equivalent or greater rate than the construction of residential structures within the development.
 - (b) The Planning Commission and Board of Trustees shall establish conditions necessary to assure the preservation of common open space for their intended purpose as demonstrated in the development plan. The developer shall provide legally enforceable assurances satisfactory to the Planning Commission and the Board of Trustees, that common open space or common use or public facilities shall be properly maintained throughout the life of the Planned Commercial Development.
- (4) **Maximum Gross Floor Area.** For business and commercial uses within the Planned Commercial Development, the total gross floor area of all buildings and open storage or retail sales should generally not exceed **twenty-five percent (25%)** of the project net area for commercial uses subject to the following:

- (a) Exceptions to the maximum gross floor area may be permitted by the Board of Trustees for commercial uses provided that such exceptions are clearly set forth in the approved development plan and adequate off-street parking and other facilities are provided. Building coverage, excluding parking structures, should not, however, exceed **forty percent (40%)** of the project in that area.
 - (b) In cluster developments, shopping centers or business parks, there shall be no gross floor area or building coverage restrictions on individual building sites, provided that provisions are met for the planned development project to have adequate off-street parking, maintenance, common areas, and for access to individual building sites.
- (5) **Building Types Permitted.** In the Planned Commercial Development only the type of building, structures, or uses permitted by the base district regulations applicable to the development shall be permitted. Determination of compliance with this requirement shall be included within the review of the development plan by the Planning Commission.
- (6) **Setbacks and Open Spaces.** Building setbacks and distances between buildings shall be dimension on the required plans for the development and shall be established as part of the plan approval for individual building lots within the Planned Commercial Development project. Building setbacks from the planned development boundary shall conform to the perimeter setback requirements set forth below, unless otherwise established as part of plan approval.
- (7) **Perimeter Setbacks.**
- (a) At locations where the Planned Commercial Development adjoins or abuts a residential lot, use, or zoning district, buildings and activities within the development must adhere to a perimeter setback requirement of **fifty (50) feet** from the district boundary line. Appropriate and permanent screening, with Village approval, consisting of landscaping, walls, or fences must be provided in a buffer strip not less than **six (6) feet** in height which is sufficient to screen excessive sounds and view from the development into the adjoining or nearby residential areas.
 - (b) Any structure exceeding **thirty (30) feet** in height within the development which adjoins property in a residential zoning usage shall be setback an additional **one (1) foot** for every **two (2) feet** in height above **thirty (30) feet**. Greater setbacks may be required by the Planning Commission to ensure compatibility with adjoining developments or uses.
- (8) **Off-Street Parking and Loading.**
- (a) Off-street parking and loading shall be provided as otherwise required by the provisions of this Code for the uses proposed within the Planned Commercial Development project. Off-street parking designed to accommodate the entire development may be established on a single parcel of land owned in common in which the parking areas, drives, and landscaping are maintained by the owners, tenants, or occupants of the planned development project for common usage. In such circumstances, means shall be provided for the care and maintenance for such off-street parking for the duration of the development.
 - (b) Where the Planned Commercial Development includes **two (2)** or more uses, the Planning Commission may approve a reduction of

not more than **thirty percent (30%)** in the otherwise required off-street parking for developments which exceed **five hundred thousand (500,000) square feet** of gross floor area under a single ownership or management control. If it is demonstrated that the combined uses and customary operation of the uses in the development will not require the higher level of parking which would otherwise be required.

- (i) **Accessory Structures or Minor Additions.** Accessory uses and structures shall meet the requirements of the base zoning district regulations in which the development is located and such uses shall be included in the development plan.
- (9) Accessory structures and minor additions may be added through site plan review the Administrator provided that detailed plans are in substantial conformance with the plan as approved by the Board of Trustees.
- (10) **Lighting.** All lighting fixtures shall be arranged and designed in a manner which will minimize direct glare or hazardous interference of any kind and will protect neighboring properties from excessive glare or the spillage of lighting.
- (11) **Landscaping and Utility Lines.** All required open space, parking lot islands, and all land are not otherwise developed shall be landscaped in a manner which enhances the appearance of the Planned Commercial Development project. All utility lines shall be installed beneath the surface of the ground and a plan layout and specifications to accomplish these requirements shall be submitted to the Administrator as an integral part of the Planned Commercial Development. All Planned Commercial Development shall be provided with public water and sewer systems.

40-5-5 PLANNED INDUSTRIAL DEVELOPMENT (PID). Planned Industrial Developments are intended to permit industrial activities found in the Industrial Zoning District regulations within a Planned Unit Development. The Planned Industrial Development is intended to provide for mixed use of industrial development. If located in more than one Industrial Zoning District, the development shall meet the requirements of the more restrictive zoning district.

(A) **Permitted Uses.** Permitted uses within a Planned Industrial Development shall include all of those allowed by the Industrial Zoning District in which the development is located, subject to the restrictions applicable to such uses within that Zoning District, and include:

- (1) Industrial parks.
- (2) Landscaped areas, parks, and open space areas which are integrated into the Planned Industrial Development.
- (3) The following commercial uses are permitted in the Planned Industrial Development when approved by the Planning Commission as part of the approval process for the development. Retail, service, office, and recreational uses which are compatible with the industrial uses occurring in the Planned Industrial Development and which are primarily designed to accommodate the needs of the Planned Industrial Development.

40-5-6 PROCEDURES; APPROVAL OF PLANNED UNIT DEVELOPMENTS. To the extent that the Planned Unit Development entails a subdivision of real estate the procedures for subdivision approval shall be coordinated with the procedures for consideration of the Planned Development by the Planning Commission and Board of Trustees. Where practicable, submittal, public hearings, and meeting for consideration of the Planned Development shall operate in conjunction with the other procedures of this Code.

(A) **Pre-Application Conference.** Prior to submitting an application for a Planned Development, an applicant shall confer with the Administrator to obtain information and guidance before entering into the development or incurring substantial expense in the preparation of plans, surveys, and other data expense in the preparation of plans, surveys, and other data required for the Planned Development. Applicants are encouraged to submit a sketch plan.

(B) **Application.** An application shall be submitted for a Planned Development to the Administrator who will then refer it to the Planning Commission for consideration as herein provided. The application shall be accompanied by a non-refundable filing fee established by Resolution of the Board of Trustees. The application shall include, at a minimum, the following information:

- (1) A legal description of the property proposed for the development.
- (2) A preliminary development plan prepared at a scale of not more than **one hundred (100) feet to one (1) inch** depicting the following:
 - (a) The gross land area and project net area of the Planned Development, the present zoning classification of the area and the zoning classification of the properties surrounding the development.
 - (b) All existing structures and land uses currently on the property proposed for the development and the location of any uses and structures on properties which adjoin the proposed development.
 - (c) The location and use or uses proposed for each existing or proposed structure within the Planned Development, the number of stories, building or structure height, gross floor area, building coverage, and approximate location of entrances and exits.
 - (d) Existing and proposed contours at intervals of **two (2) feet**. Locations, elevations, and direction of flow of major water courses, natural drainageways and ponding areas shall be delineated. Floodplain areas shall be delineated.
 - (e) All existing and proposed curb cuts, driving lanes, parking areas, loading areas, storage areas, and trash storage areas.
 - (f) All pedestrian walks and open areas for use by the occupants or persons using or present in the proposed development, as well as the general public.
 - (g) Types of surfacing proposed for all walks, driveways, and other access ways.
 - (h) A preliminary landscape, screening, and buffering plan for the project including the approximate height, type, and location of all buffers, fences, landscaping, and walls, and the methods by which the landscaping, fences, and walls will be preserved and maintained throughout the life of the development.
 - (i) A concept plan showing all existing or proposed facilities and features such as hydrants, utility structures, wells, sewage disposal facilities, outside lighting, recreation facilities, together with information regarding the maintenance and preservation of such facilities.
 - (j) Preliminary plans for control and disposal of natural and stormwater drainage.
 - (k) Preliminary plan for the adequate control of erosion and sedimentation, including that expected to occur during all phases of clearing, grading, and construction.
 - (l) Typical plans and elevations for each type of structure to be located within the development to indicate architectural type, style, and materials of construction.
 - (m) Location of present utility services to the proposed development including electric, water, sanitary sewer, and telephone.

(n) Not less than **ten (10) copies** of the preliminary development plan will be submitted with the application.

(3) The names and addresses of the applicant, and all persons to whom notices of hearings required by this Code are required to be sent (see below).

(C) **Review of Planned Development Application and Preliminary Plan.** The application and Planned Development Plan shall be submitted to the Administrator for review as to the completeness of the submittal. When it is determined that the application and plan are complete, it will be filed and referred by the Administrator to the Planning Commission.

(D) **Public Hearing.** The Planning Commission shall hold a public hearing on the application and Planned Development Plan. The hearing may be conducted simultaneously with any other public hearing required for its consideration.

(E) **Required Notices.** Upon filing of the application and plan by the Administrator, the public hearing should be set before the Planning Commission within **sixty (60) days** of the date of filing. The public hearing may be adjourned from time-to-time and notice given of the time, date, and location to which the hearing is adjourned shall be sufficient and no further notice need be given.

(F) **Notice of Public Hearing.** The Administrator shall give notice of the time, date, and place of the public hearing as follows:

(1) **Content.** The notice shall contain:

- (a) A brief description of the proposed development plan;
- (b) the particular location of the real estate proposed for the development by legal description and street address, or, if no street address is available, by reference to any well-known landmark, highway, road, thoroughfare, or intersection;
- (c) a brief summary explaining the purpose and subject matter of the hearing; and
- (d) the following language in bold print in prominent location in the notice.

"The Planning Commission may approve the proposed planned development plan and application with or without modifications or conditions or it may disapprove the plan. This could significantly amend, modify, revise, or alter the plan as originally filed by the applicant and could significantly change the impact of the proposed planned development on surrounding property owners, including roadways, drainage, sewage systems, traffic patterns, and utilities. Should you desire to be heard regarding the proposed plan as filed or as to any amendments, modifications, revisions or alterations of the proposal, you should attend the public hearing."

(2) **Published Notice.** The foregoing notice shall be published one time in a newspaper of general circulation within the Village at least **fifteen (15) days**, but not more than **thirty (30) days**, prior to the scheduled public hearing. The applicant shall pay the cost of publishing the notice.

(3) **Mailed Notice.** The foregoing notice shall also be sent by United States First Class Mail at least **fifteen (15) days** before the scheduled public hearing to the applicant and to the owners of all property adjacent to the subject property. The applicant shall furnish to the Administrator at the time the application is filed a complete list containing the names and last known addresses of the owners of property required to be notified and shall pay the cost of the notice to the adjacent and surrounding property owners. Any error in notification of the adjacent or surrounding property owners due to the inadequacy of the listing shall be the responsibility of the applicant.

(G) **Decision by Planning Commission.** The Planning Commission shall, within **ninety (90) days** of the date the application is filed by the Administrator, at a duly scheduled meeting

(which may, but need not, be held in conjunction with the public hearing on the application), either approve (with or without modifications/ conditions) or disapprove the application and development plan. The applicant and the Commission may extend this time limit by mutual agreement. The Commission shall state its reasons for its action (including the nature of any conditions/modifications) in writing, and attach the written statement to the application and development plan. **One (1) copy** of the application and plan shall be returned to the Administrator and filed, and **one (1) copy** shall be returned promptly to the applicant by first class mail.

(H) **Decision by Board of Trustees.** The recommendation of the Planning Commission shall in each case be forwarded by the Administrator to the Board of Trustees for final approval or rejection. The Board of Trustees shall approve or disapprove the recommendation of the Planning Commission regarding the proposed preliminary development plan within **thirty (30) days** following its first regular meeting after which the recommendation is received from the Planning Commission.

(I) **Notification.** Following the final decision of the Board of Trustees, a letter of notification shall be sent by the Administrator to the person whose name is noted on the application and development plan to receive notices, and the letter shall be dated the day it is actually sent.

(J) **Modification/Conditions.** The Planning Commission may recommend conditions or modifications on the application or development plan, which may include, but not be limited to, the following:

- (1) Permitted uses, including maximum floor area.
- (2) Performance standards.
- (3) Height performance.
- (4) Minimum yard requirements.
- (5) Off-street parking and loading requirements.
- (6) Minimum requirements for site development plans.
- (7) Time limitations for commencement of construction.

The Board of Trustees may approve, deny, or approve any of the conditions or modifications which are contained in the approval or recommendation of the Planning Commission.

(K) **Submittal of Master Development Plan.** The Master Development Plan for the Planned Development shall be submitted to the Administrator and subject to review as follows:

- (1) Not later than **six (6) months** following the approval of the preliminary development plan and application, together with any re-zoning petition which may be required, the applicant shall file with the Administrator an application for approval of a Master Development Plan and the Administrator, upon written request from the applicant, may extend for an additional **six (6) month** period the time for filing the application for approval of the Master Development Plan.
- (2) The application for Master Development Plan approval shall be accompanied by **ten (10) copies** of the Master Development Plan and a non-refundable processing fee as established by resolution of the Board of Trustees.
- (3) In the event a Master Development Plan is not submitted within **six (6) months** following approval of the preliminary plan and if the Administrator does not grant a **six (6) month** extension for such submittal, the application shall lapse and no further consideration will be given to the application.

(L) **Contents of Master Development Plan.** The Master Development Plan shall assure that each phase of the development substantially conforms to the intent, form, and content of the approved preliminary development plan. Each phase of the Master Development Plan shall include, but not be limited to, the following:

- (1) A scaled plan showing all of the features and characteristics set forth in the preliminary plan and to be incorporated in the Master Development Plan.
- (2) A landscape plan showing the location, type, and size at installation of all proposed landscape materials, existing landscaping, and trees to be retained on the site, as well as the identification of any existing trees to be

removed that are **two (2) inches** in diameter or greater. All proposed buffering, fencing, walls, berms, and any other pertinent architectural elements associated with the landscape plan for the development or any buffering or screening characteristics required.

- (3) Land use characteristics in table form containing the following information:
 - (a) Gross project area in terms of acreage.
 - (b) Net project area in terms of acreage.
 - (c) Approved density for the project in terms of lot area/square feet of building area.
 - (d) Approved usable space for the project in terms of square feet of open space/net project area.
 - (e) Total number of parking spaces and loading spaces (if applicable).
- (4) Graphic representation of all public easements and legal descriptions thereof, the recipient of the easement, the purpose of the easement, and any conditions relating to the use of the easement or its duration or scope.
- (5) Legal description of the gross project area.
- (6) Any other minimum requirements established in this Code.

40-5-7 **TIME LIMITATIONS.** The following time limitations shall apply to planned developments:

(A) Actual construction shall occur within **two (2) years** following the date of final approval of the development plan and shall be diligently pursued to completion. In any event, where construction has not been commenced within the **two (2) year** period, the Board of Trustees may allow a reasonable extension upon written request by the applicant providing reasonable cause for an extension to be granted.

(B) In the event construction has not been commenced within the **two (2) years** following final approval and an extension of time has not been granted by the Board of Trustees, the Special Use Permit shall automatically lapse.

40-5-8 **AMENDMENTS TO THE DEVELOPMENT PLAN/SUBMISSION IN PHASES.**
Any minor or non-substantive change in the approved plan may be made only after approval of such change by the Administrator. Any proposed change shall be clearly portrayed on all copies of the final approved plan and shall be submitted to the Administrator for review and determination or at his discretion shall be referred directly to the Planning Commission for approval or rejection.

Any change or addition of land use (other than accessory uses), common open space area, and parking facilities shall require approval of the Planning Commission and Board of Trustees.

All changes to the plan must be compatible with the original plan for land use, traffic circulation and open space, the purpose and intent of this, and with the height and area regulations and parking ratios reflected in the plan originally approved by the Board of Trustees. Substantive changes in the development plan shall require consideration in the same manner as the original application.

A Planned Development may be submitted for approval in phases, however, each phase of the development shall be equal in area to the minimum area requirement for the proposed planned development. The submission of the initial phase shall include a master plan for future phases and the overall development in such detail as the Administrator and Planning Commission may deem necessary to properly evaluate the proposed planned development on a phased basis, but the master plan will not generally require the detail required for the preliminary development plan application. The application for each phase of the planned development shall comply fully with the requirements of this Code. Approval by the Village of an initial phase or a subsequent phase will not constitute approval of the entire planned development where only a master plan for future phases has been presented and each phase will be evaluated separately. After a master plan has been submitted as part of the approval of an initial or subsequent phase, any modification of the master plan may only be made with the approval of the Board of Trustees. The master plan shall, minimally, provide the following information:

- (A) A legal description of the property proposed for master plan approval.
- (B) A concept development plan prepared at a scale of not more than **two hundred (200) feet to one (1) inch** depicting the following:
- (1) The gross land area and project net area of the Planned Development, the present zoning classification of the area, and the zoning classification of the properties surrounding the Planned Development.
 - (2) All existing structures and land uses currently on the property proposed for the development and the location of any uses and structures on properties which adjoin the proposed Planned Development.
 - (3) The location and use or uses proposed for each existing or proposed structure within the Planned Development, the number of stories and gross floor area.
 - (4) Existing and proposed contours at intervals of **two (2) feet**. Locations and direction of flow of major water courses, natural drainageways, and ponding areas shall be delineated.
 - (5) All existing and proposed curb cuts, driving lanes, parking areas, loading areas, and storage areas.
 - (6) Common area walks and common open areas for use by residents, tenants, and the general public.
 - (7) A concept landscape, screening, and buffering plan for the Planned Development.
 - (8) Concept plans for the control and disposal of natural and storm water drainage, including detention facilities.
 - (9) Location of present utility services to the proposed Planned Development, including electric, water, sanitary sewer, and telephone.
 - (10) Boundary lines of the area of the master plan. Boundary lines of the preliminary development plan for the initial phase shall be shown, along with boundary lines for proposed future phases.
 - (11) Not less than **ten (10) copies** of the master plan shall be submitted with the application.

40-5-9 **GUARANTY OF IMPROVEMENTS.**

(A) Unless otherwise provided in the conditions of a particular planned development, no Initial Certificate of Code Compliance including, but not limited to, building permits, or permits authorizing the occupancy or use of a building, facility, establishment or structure shall be issued until all required related public improvements are constructed in accordance with the provisions of this Code, or until the conditions of approval under this Code have been met by the posting of a guarantee covering the estimated amount of such public improvements plus costs and expenses, as determined by the Village Engineer and approved by the Village Attorney.

(B) In the event a Planned Development is constructed or developed in phases, the requirement for such assurances shall apply to all major improvements necessary to the proper operation and function of the phase in question, even though the improvements may be located outside the particular area of the development where the phase is being developed.

40-5-10 **WITHDRAWAL OF APPLICATION.** Any person who files an application for Planned Development may request withdrawal of the application any time prior to final Board of Trustees action on the application. A request for withdrawal shall be submitted in writing and signed by all persons who signed the original application. A withdrawal effectively made pursuant to these provisions shall constitute an abandonment of the application. Fees are non-refundable.

ARTICLE VI - LAND SUBDIVISION CODE

DIVISION I – GENERALLY

40-6-1 **EFFECT ON ARTICLE.** Upon the effective date of this Code, no land within the subdivision jurisdiction of the Village, (including area within **one and one-half (1.5) miles** of the corporate limits) except land specifically exempted from the Illinois Plats Act as now or hereafter amended (**765 ILCS 205**), shall be subdivided or developed except in compliance with the regulations of this Article. No lot in any subdivision shall be conveyed until, in accordance with **Article II, Division II.**

(A) The final plat of said subdivision has been approved by the Board of Trustees and recorded in the office of the St. Clair County Recorder of Deeds; and

(B) The portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article, or until a performance bond or other security has been posted to assure the completion of such improvements.

40-6-2 **SUITABILITY FOR SUBDIVISION GENERALLY.** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates plans/methods that the Planned Commission deems adequate to solve the problems caused by the adverse land conditions.

40-6-3 **LOT REQUIREMENTS.** All lots in any subdivision shall conform to the minimum area and dimensions requirements of the zoning district; not more than **ten percent (10%)** of these minimum requirements may be satisfied by land that is under water. (**See Section 40-2-20**) Corner and through lots shall be large enough to permit compliance with the front setback requirements of the district on every side that has street frontage. (**See Section 40-2-27**) All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading. (**See Article II, Division VII.**)

(A) **Access and Relationship to Street.**

(1) Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 40-7-5**. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and log design.

(2) Any tract of land proposed to be subdivided must provide access to the subdivision via a dedicated public right of way of the width necessary for the required type of street in accordance with **Section 40-7-5**. No tract of land proposed to be subdivided shall be considered or approved where access to the tract of land is through a private street or easement. Any street constructed to provide access to a tract of land to be subdivided shall be constructed within a right-of-way of the required width which has been dedicated to the public, and shall be constructed in full compliance with all requirements of this Development Code including pavement standards, sidewalks, drainage, etc.

(Ord. No. 1120; 01-19-11)

40-6-4 **REFERENCE MONUMENTS.** Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. (**765 ILCS 205**)

(A) **Lot Markers.** All lot corners shall be marked by **one-half (0.5) inch** iron pins not less than **twenty-four (24) inches** long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than **one and one-half (1.5) inches**.

40-6-5 STREET DESIGN STANDARDS.

(A) All streets shall be properly integrated with the existing and proposed street system indicated in the Village’s Comprehensive Plan, and shall meet specifications set forth in tabular form below. No subdivision plan which includes any private streets shall be approved.

(B) All new streets and alleys shall be improved solely at the expense of the Developer in accordance with the requirements set forth herein.

(C) All subdivisions that include existing streets or border on existing streets shall be improved as follows:

- (1) Streets or portions thereof that include new subdivision lots on both sides of the street that directly access the existing street shall be improved solely at the expense of the Developer in accordance with the requirements set forth herein.
- (2) Streets or portions thereof that have been previously constructed and adjoin newly subdivided lots on only one side of the street that directly access the existing street shall be improved jointly by the Village and the Developer with the Developer to provide, by paying **one-half (1/2)** of the cost of material and labor for construction of subgrade, pavement, curb and gutter, and storm sewer and catch basins as required to prove adequate surface water drainage from the subdivision.
- (3) The Developer shall have no obligation for street improvements on existing streets that adjoin the subdivision only on one side of the street, as to those lots which do not directly access the existing street, provided that this sentence shall apply only if the subdivision plat or separate restrictions and covenants to be recorded with the plat, prohibit those lots from directly accessing the street in the future.

(D) The provisions of this Section shall apply as a prerequisite to the Village’s approval of a subdivision plat outside the Village’s corporate limits but within the portion of the **one and one-half (1 ½) mile** jurisdiction asserted by the Village.

TABLE OF STREET DESIGN SPECIFICATIONS

Type of Street	Permitted On-Street Parking	Required Right-of-Way	Required Width of Pavement (Back of Curb to Back of Curb)	Maximum/Minimum Grades
Local (including Marginal access)	One Side Only	50 ft.	30 ft.	Maximum: 12% Minimum: 0.3%
Collector	Both Sides	60 ft.	36 ft.	Maximum: 8% Minimum: 0.3%
Arterial	None	80 ft.	50 ft.	Maximum: 8% Minimum: 0.3%

(Ord. No. 1120; 01-19-11)

(E) **Topographical Considerations.** Grades of streets shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

(F) **Through Traffic Discouraged.** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout.

(G) **Limited Access to Arterials.** Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may recommend to the Board of Trustees that access to said arterial be limited by one of the following means:

- (1) the subdivision of lots so that they back onto the arterial street and front onto a parallel local or marginal access street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;
- (2) a series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial; or
- (3) a frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

(H) **Dead-End Streets.**

- (1) **Temporary Stub Streets.** Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the Village's Comprehensive Plan. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turn-about shall be provided at the terminus of any temporary dead-end street.
- (2) **Permanent Dead-End Streets.** For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to **five hundred (500) feet**. The terminus of a permanent dead-end street shall not be closer than **fifty (50) feet** to the boundary of an adjacent tract. A cul-de-sac turn-around, having a minimum right-of-way radius of **fifty (50) feet** and a minimum pavement radius of **forty (40) feet**, shall be provided at the end of every permanent dead-end street.

(I) **Alleys.** Alleys shall be prohibited in single-family residence districts. Alleys may be required in multiple-family districts and in commercial/industrial districts unless other adequate provisions for service access are made. When required or provided, alleys shall be at least **twenty (20) feet** wide, and shall be paved in accordance with **Section 40-6-6**. Alleys shall not intersect with one another nor change sharply in alignment; provided that the Planning Commission may recommend that this restriction be waived in highly unusual instances. Adequate vehicular turn-around space shall be provided at the terminus of any dead-end alley.

(J) **Intersections.**

- (1) **Only Two (2) Streets.** Not more than **two (2) streets** shall intersect at any one point.
- (2) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of **two (2) streets** at an angle of less than **seventy-five (75) degrees** shall not be acceptable. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred (100) feet** therefrom.
- (3) **Proper Alignment.** Proposed new intersection along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with

centerline offsets of less than **one hundred twenty-five (125) feet** shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred (800) feet** apart.

- (4) **Curb Radii.** To permit safe vehicular movement at corners, the minimum curb radius at the intersection of **two (2) streets** shall be **twenty (20) feet**, and the minimum radius at the back of the curb shall be **thirty-two (32) feet**.
- (5) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **two percent (2%)** slope for a distance of **sixty (60) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.
- (6) **Maximum Cross-Slope.** The cross-slope on all streets, including intersections, shall not exceed **three percent (3%)**.
- (7) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation in the triangular the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance. **(See Section 40-2-30(B) and as detailed in Appendix A.)**

(K) **Reverse Curves.** A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local collector and collector streets, except where the street has lanes divided by a median. **(Ord. No. 1041; 12-19-07)**

(L) **Improvements to Existing Streets.** Whenever any subdivision borders a street that is narrower than the standards indicated in the Table of Street Design Specifications the subdivider shall dedicate sufficient right-of-way to permit compliance with those standard, and the developer shall improve said street to the standards imposed in **Section 40-6-6**. Land reserved for street improvements shall not be counted to satisfy the district lot area and setback requirements.

(M) **When Excess Right-of-Way Required.** Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications (**Section 40-6-5**) shall be required where:

- (1) due to topography, additional width is necessary to provide adequate earth slopes; or
- (2) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

40-6-6 STREET IMPROVEMENTS STANDARDS. All street construction and related items such as inlets, storm sewers, culverts grading, etc. shall be constructed in accordance with the Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction," and Illinois Department of Transportation Highway Standards, current editions.

(A) **Curb and Gutter.** All streets shall be bounded by integral concrete curb and gutter, as detailed in **Appendix A** provided that this requirement may be waived in the case of marginal access streets with adequate shoulders.

(B) **Pavement (Residential Street Only).** All residential streets and alleys shall be paved as indicated below; provided that equivalents to the following standards may be approved by the Village Engineer depending on engineering and traffic volume considerations. The subgrade for all pavements shall consist of **ten (10) inches** minimum of lime modified subgrade, which shall extend a minimum of **one (1) foot** beyond the back of the curb, constructed in accordance with the applicable provisions of the Standard Specifications for Road and Bridge Construction adopted by the State of Illinois.

- (1) **Alleys, Marginal Access, Local.**
 - (a) **six (6) inches** of non-reinforced concrete; or

- (b) **three (3) inches** of Class "I" Type "B" mix on top of **six (6) inches** of Bituminous Aggregate Material (BAM).
- (2) **Collectors (Residential and Non-Residential).**
 - (a) **six (6) inches** of non-reinforced concrete; or
 - (b) **six (6) inches** of BAM overlaid with **three (3) inches** of Class "I" Type "C" mix.
- (3) **Arterials.**
 - (a) **eight (8) inches** of reinforced concrete; or
 - (b) asphaltic concrete construction meeting Illinois Department of Transportation specifications.

40-6-7 BLOCKS.

(A) **Block Width.** Blocks shall be sufficiently wide to accommodate **two (2) tiers** of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

(B) **Block Length.** No block shall be longer than **one thousand four hundred (1,400) feet** nor shorter than **five hundred (500) feet**. Wherever practicable, blocks along collector streets shall be not less than **one thousand (1,000) feet** in length.

(C) **Crosswalks.** Crosswalks, not less than **ten (10) feet** wide, may be required through the center of blocks more than **one thousand (1,000) feet** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

40-6-8 SIDEWALKS. Sidewalks shall be required:

(A) on at least **one (1) side** of the street, when residential density is between **two (2)** and **four (4)** dwelling units per net acre;

(B) on both sides of the street, when residential density is **four (4)** or more dwelling units per net acre; and

(C) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Planning Commission advises the Board of Trustees that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

40-6-9 SIDEWALK CONSTRUCTION STANDARDS.

(A) **Relationship to Curb.** The street-side edge of every sidewalk shall either abut the curb or be located at least **six (6) feet** from the curb to allow sufficient space for tree planting. If the sidewalk abuts the curb, tree wells shall be provided.

(B) **Width.** Residential sidewalks shall be at least **four (4) feet** wide. Non-residential sidewalks shall be at least **six (6) feet** wide.

(C) **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick, except that across driveways the thickness shall be increased to **six (6) inches** and/or number six (#6) reinforcing mesh shall be used.

(D) **Grade.** No sidewalk shall be constructed at a grade steeper than **ten percent (10%)**.

40-6-10 STREET NAME SIGNS. Street name signs; of the size, height, and type approved

by Village Engineer, shall be placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and in spelling from other street names in the Village so as not to cause confusion. A street planned as a continuation of an existing street shall bear the same name.

40-6-11 UTILITIES. All utility facilities, including as, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Existing utility facilities located aboveground, except those located in public right-of-way, shall be removed and placed underground. Underground service connections to the property line of each platted lot shall be installed at the developer's expense, provided that, at the discretion of the Planning Commission, the requirements for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

40-6-12 STREET LIGHTING AND UTILITY EASEMENTS.

(A) **Street Lighting.** The Developer shall coordinate with the Electric Utility Company to provide Street Lighting throughout every new residential and commercial subdivision. All costs for providing such street lights shall be the sole responsibility of the Developer. **(Ord. No. 1120; 01-19-11)**

(B) **Utility Easements.** Easements, at least **seven and one-half (7.5) feet** wide, shall be provided for public and private utilities. Said easements shall be centered on rear lot lines except where they must be located along side lot lines due to topographical or other conditions.

40-6-13 WATER FACILITIES. An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations. If the public water system is accessible, each lot shall be properly connected thereto at the property line. If the public water system is not available, individual wells may be used or a private central water system may be developed, provided the Village Engineer approves such facilities. All water distribution lines shall be at least **six (6) inches** in diameter. **(See Section 40-2-33)** Water main shall be AWWA C-900 PVC or Ductile Iron pipe, unless otherwise approved by the Village Water Superintendent. **(Ord. No. 1041; 12-19-07)**

(A) **Fire Hydrants.** Fire hydrants of the type approved by the Fire Chief shall be installed in every subdivision as part of the water distribution system. The distance from any lot to a hydrant, measured along the centerline of the public right-of-way, shall not be greater than **five hundred (500) feet**. Fire hydrants shall have **five and one-fourths (5 1/4) inch** main valve opening three way (two hose nozzles and one pumper nozzle) and be in conformance with AWWA C502. All fire hydrants shall be painted yellow. **(Ord. No. 1041; 12-19-07)**

40-6-14 SANITARY SEWERS. All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and must be approved by the Village Engineer. **(See Section 40-2-31)**

(A) **When Public System Available.** Whenever the public sanitary sewerage system is accessible, the developer shall extend said system throughout the subdivision, and shall provide each lot with a connection thereto.

(B) **Individual Disposal Systems.** Individual sewage disposal facilities, such as septic tanks, shall not be installed in any subdivision containing more than **ten (10) lots** as shown on the final plat or as subsequently developed. Where individual disposal facilities are permitted, the Administrator may require that minimum lot size be increased as necessary above usual zoning district requirements.

(C) **Sanitary Sewer Easements.** Sanitary sewer easements shall be provided along the rear lot lines of every platted lot. The precise location and minimum widths of said easements shall be determined by the Village Engineer.

(D) **Sanitary Sewer Materials.** Sanitary sewer main shall be SDR-35 PVC (ASTM D-3034) minimum. Where sewers are **twelve (12) feet** deep or more, SDR-26 PVC or ductile iron pipe shall be required as directed by the Village Engineer. **(Ord. No. 1041; 12-19-07)**

40-6-15 DRAINAGE AND STORM SEWERS. No plat shall be approved until the Planning Commission, after consultation with the Village Engineer, has determined that the proposed provisions for stormwater drainage are adequate. Drainage improvements in the subdivision shall be coordinated with

existing and planned drainage improvements elsewhere so as to form an integrated Village-wide system. The stormwater drainage system shall be separate and independent of the sanitary sewer system.

(A) **Catch Basins.** Catch basins, shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than **six hundred (600) feet** in the gutter.

(B) **Accommodation of Upstream Drainage Areas.** A culvert or other drainage facility large enough to accommodate potential runoff from the entire drainage area upstream from the proposed subdivision shall be provided in accordance with the Village Engineer's specifications. Potential runoff shall be determined on the basis of the maximum development of the upstream area that is permitted under the zoning district regulations.

(C) **Effect on Downstream Areas.** The Village Engineer shall also consider the effect of any proposed subdivision on downstream areas. Where it is anticipated that the additional runoff incident to development of the subdivision will overload an existing downstream drainage facility, the Planning Commission shall require the developer to install additional drainage improvements to alleviate the overload problem.

(D) **Areas Subject to Flooding.** Whenever a plat is submitted for an area that is subject to flooding, the Planning Commission following consultation with the Village Engineer and other technically-qualified persons, may require extraordinary protective measures, including the filling of the flood prone area to a level above the regulatory flood elevation.

(E) **Drainage Easements.** Adequate easements for stormwater drainage shall be established along any natural drainage channel and in any other locations where necessary to provide satisfactory disposal of stormwater from streets, alleys, and all other portions of the subdivision. The precise location and minimum widths of said easements shall be determined by the Village Engineer.

The Village will not allow encroachment upon any drainage easement by construction of any permanent improvements, or by filling or excavating within the easement without prior approval. Any such encroachment shall be grounds for the Zoning Administrator to immediately issue a "Corrective Action Order" as described in **Section 40-1-8. (Ord. No. 1120; 01-19-11)**

(F) **Stormwater Drainage.**

(1) In addition to complying with the provisions of **Section 40-6-13**, the provision of **Article VII** must also be complied with when subdividing land within the jurisdiction of the Village.

(2) No person shall alter existing drainage ways or storm sewers by filling, excavating, extending or shortening culverts or storm sewers, or placing any other obstruction to flow within the Village's drainage easement. Any such action shall be grounds for the Zoning Administrator to immediately issue a "Corrective Action Order" as described in **Section 40-1-8.**

(Ord. No. 1120; 01-19-11)

(G) **Storm Sewer Materials.** All storm sewers crossing beneath Village streets shall be reinforced concrete culvert pipe (RCCP). At other locations, corrugated metal pipe (CMP) or HDPE storm sewer pipe may be used if approved by the Village Engineer. **(Ord. No. 1041; 12-19-07)**

(See Section 40-2-32 for Sump Pump Regulations)

40-6-16 **EROSION AND SEDIMENTATION CONTROL.** In the Development of any subdivision, erosion and sedimentation control regulations delineated in **Division VII** of this Code shall be complied with.

40-6-17 **RESERVATIONS FOR PUBLIC USE.** In accordance with **65 ILCS 5/11-12-8**, and after consultation with appropriate public officials or bodies, the Planning Commission may require the subdivider to reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the Comprehensive Plan. The area to be reserved shall be of suitable size, dimensions, topography, and general character, and shall have adequate access, for the particular purposes envisioned by the Planning Commission. Such reserved areas shall be indicated on the plat.

(A) **Money In Lieu of Land.** In lieu of land reservation, the Planning Commission may require the developer to deposit a cash payment with the Village prior to approval of the final plat. The Village shall use such deposit to acquire or improve recreational or educational facilities that are/will be located in the vicinity of said subdivision and available and beneficial to the residents thereof. The amount of the cash deposit shall be equal to the cost of such acquisition or improvements.

(B) **Duration of Reservation.** Action to acquire the land reserved for public purposes on the final plat must commence within **twelve (12) months** from the date said final plat is approved. Failure to initiate such action within the prescribed time shall result in removal of the reservation and the consequent freeing of the property for other permitted development.

40-6-18 - 40-6-19 RESERVED.

DIVISION II – SUBDIVISION PROCEDURES

40-6-20 PRELIMINARY PLATS. The subdivider of every subdivision located within the subdivision jurisdiction of the Village – except a “minor subdivision” as defined at **Section 40-2-11** and land exempted from the Illinois Plats Act (**765 ILCS 205**)—shall file with the Zoning Administrator: **(Ord. No. 1041; 12-19-07)**

- **four (4) full-size copies** of the preliminary plat of said subdivision at a drawing scale not numerically larger than **one (1) inch** equals **one hundred (100) feet** (Recommended size is **twenty-four (24) inches** by **eighteen (18) inches** or **thirty-six (36) inches** by **twenty-four (24) inches**); **(Ord. No. 1120; 01-19-11)**
- **twenty (20) copies** in **eleven (11) inch** by **seventeen (17) inch** format of the preliminary plat of said subdivision; and **(Ord. No. 1041; 12-19-07)**
- **twenty (20) copies** of all data necessary to show compliance with the provisions of this Code. **(Ord. No. 1041; 12-19-07)**

The subdivider shall also file **one (1) copy** of the preliminary plat and supporting data with the St. Clair County Soil and Water Conservation District. Said District shall have not more than **thirty (30) days** to submit any comments they might wish to make to the Planning Commission. **(70 ILCS 405/22.02a)**

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a preliminary plat of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with **65 ILCS 5/11-12-8**, and the provisions of the subsections below.

(A) **Information Required.** Every preliminary plat shall be prepared by a land surveyor registered in Illinois at any scale necessary for clarity, provided the resultant drawing does not exceed **thirty-six (36) inches square**. Said preliminary plat, together with the supporting data, shall provide all of the following information:

- (1) names and addresses of the owner, subdivider (if not the owner), and registered land surveyor;
- (2) proposed name of the subdivision;
- (3) zoning district classification of the tract to be subdivided;
- (4) north arrow, graphic scale, and date of map;
- (5) dimensions of the tract, and its gross and net area;
- (6) topography of the tract to be subdivided as indicated by **two- (2) foot** contour data for land having slopes of **zero-four percent (0-4%)**, **five- (5) foot** contour data for land having slopes between **four-twelve percent (4-12%)**, and **ten- (10) foot** contour data for land having slopes of **twelve percent (12%)** or more;
- (7) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;

- (8) locations and right-of-way widths of all existing and proposed streets and alleys;
- (9) locations, widths, and purposes of all existing and proposed easements;
- (10) location and size of existing and proposed sanitary and storm sewers;
- (11) locations, types, and approximate sizes of all other existing and proposed utilities;
- (12) locations, dimensions, and areas of all parcels proposed to be reserved and dedicated for schools, parks/playgrounds, and other public purposes; and
- (13) location, dimension, and area of all proposed or existing lots within the subdivision.

(B) **Plan Commission Action.** In accordance with State law, the Planning Commission shall either approve or disapprove the application for preliminary plat approval within **ninety (90) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Planning Commission and the subdivider mutually agree to extend this time limit. **(65 ILCS 5/11-8)** If the Plan Commission disapproves the preliminary plat they shall furnish to the applicant within the **ninety (90) day period** a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map. If the Planning Commission approves the preliminary plat, they shall promptly so inform the Board of Trustees.

(C) **Action by Board of Trustees.** If the Planning Commission has approved a preliminary plat, the Board of Trustees, by resolution, shall either accept or reject said plat within **thirty (30) days** after their next regularly scheduled meeting following the Planning Commission's action. If the Board of Trustees rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the Official Map. The Village Clerk shall attach a certified copy of the Board of Trustee's resolution of approval or disapproval to the preliminary plat. **One (1) copy** of the resolution and plat shall be retained by the Clerk, **one (1) copy** shall be filed with the Administrator, and **one (1) copy** shall be given to the subdivider. Approval by the Board of Trustees shall not qualify a preliminary plat for recording.

40-6-21 IMPROVEMENT PLANS. After the Board of Trustees has approved the preliminary plat, but prior to submission of the final plat, the subdivider shall furnish the Village Engineer with **four (4) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed subdivision. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Unless the Village Engineer certifies in writing that the proposed improvements conform to generally-accepted engineering practices and to the standards in this Code:

- the Administrator shall not issue any Authorization to Proceed that would have the effect of permitting actual construction of said improvements to commence; and **(Ord. No. 1041; 12-19-07)**
- the Board of Trustees shall not act upon the application for final plat approval.

(A) **Information Required.** Improvement plans shall consist of black or blue line prints not larger than **thirty-six (36) inches square**. These plans and the related specifications shall provide all of the following information:

- (1) topography of the tract, both before and after development, at the same scale as required in the preliminary plat;
- (2) existing and proposed elevations along the centerline of all streets;
- (3) radii of all curves and lengths of tangents on all streets;
- (4) locations and typical cross-section of street pavements including curbs/gutters and catch basins;
- (5) locations and typical cross-section of sidewalks and driveway aprons;
- (6) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
- (7) locations and sizes of all water, gas, electric, and other utilities;

- (8) locations of street lighting standards and street signs;
- (9) locations of all trees having a diameter of **two (2) inches** or more when measured **twelve (12) inches** above the ground;
- (10) all proposed measures to control erosion and sedimentation;
- (11) high water elevation of all lakes/streams adjoining or within the tract; and
- (12) such other information as the Village Engineer may reasonably require to perform his duties under this Section.

(B) **Inspections Required.** The subdivider/developer shall notify the Village Engineer of the start of actual construction or approved improvements and of their completion. The Village Engineer shall inspect said improvements while they are under construction. If he determines that they are being built in violation of this Code, he shall promptly notify the Administrator who, in turn shall issue a stop order. **(See Section 40-1-8)** The Village Engineer shall also inspect approved improvements upon their completion; unless he certifies that said completed improvements are in compliance with this Code, the Administrator shall not issue a Final Certificate of Code Compliance and therefore, the Village shall not accept them.

(C) **Filing "As-Built" Records.** Upon the completion of approved improvements, the subdivider/developer shall file with the Administrator a set of reproducible cloth or polyester-base film positives showing the as-built details and any deviation from the approved plans.

40-6-22 ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS. The Board of Trustees shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

- all improvements required in the approved improvements plan have been completed by the subdivider/developer and inspected and accepted by the Village or other appropriate entity; or
- in accordance with the subsections below, the subdivider/developer has provided the Village with legal assurance to guarantee the satisfactory completion of all required improvements that will be dedicated to the Village.

(A) **Forms of Assurance.** The required legal assurance shall be in the form of a guarantee to be posted with the Village Clerk. **(Ord. No. 1041; 12-19-07)**

(B) **Amount of Bond or Deposit.** The amount of the guarantee shall be equal to the Village Engineer's estimate of the amount necessary to construct the uncompleted portion of the required public improvements plus required inspection fees as well as any necessary costs or expenses to be incurred by the Village. **(See Section 40-2-11 "Guarantee") (Ord. No. 1041; 12-19-07)**

(C) **Eligible Sureties.** No person shall be eligible to act as surety unless he has been approved by the Village Treasurer. The Treasurer shall conduct spot audits of all sureties. Any surety who fails to perform shall be ineligible to act as surety for any subdivision improvement within the Village's jurisdiction for a period of **two (2) years**.

(D) **Term of Assurance, Extension.** The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the two-year period, the Administrator, with the advice and consent of the Board of Trustees, may either extend said bond/escrow agreement for **one (1) year** only or may proceed as per **Section 40-6-22(F)**.

(E) **Release of Bond/Escrow Deposit.**

- (1) The Village Clerk/Treasurer may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Village Engineer. The amount which the Village Engineer authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.
- (2) The balance of the amount of the performance bond/escrow deposit shall not be released until:
 - (a) the Village Engineer has certified to the Administrator in writing that all required improvements have been satisfactorily completed; and

(b) said improvements have been accepted by the Village.

(F) **Failure to Complete Improvements.** If all the required improvements have not been completed by the end of the two-year period (or three-year period, in the case of an extension), the Administrator, with the assistance of the Village Attorney, may:

- (1) require the surety to perform on the bond, and to pay to the Village an equal amount to the cost of completing the required improvements (as estimated by the Village Engineer) or the amount of the bond not theretofore released, whichever is less; or
- (2) order the Village Treasurer to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or
- (3) require the subdivider/developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

40-6-23 FINAL PLATS. The St. Clair County Recorder of Deeds shall not record any final plat of a subdivision located within the jurisdiction of the Village until said final plat has been approved by the Board of Trustees. A final plat shall not be approved by the Board of Trustees until: (1) the applicant for said final plat has paid all fees, costs, and expenses that the Village has incurred during processing, reviewing and acting upon the application for preliminary and final plat approval; and (2) the Board of Trustees determines that the final plat is in compliance with all pertinent requirements of this Code including those set forth in the subsections below. **(Ord. No. 1041; 12-19-07)**

(A) **Filing, Time Limits.** The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended (**765 ILCS 205**) -- who desires final plat approval shall file **four (4) copies** of the final plat and supporting data with the Village Clerk not later than **one (1) year** after preliminary plat approval has been granted. However, with the Board of Trustees' consent, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive one-year periods.

(B) **Information Required.** Every final plat shall be prepared by a registered land surveyor on new linen tracing cloth- or polyester-base film with waterproof black ink at a scale not greater than **one hundred (100) feet equals one (1) inch**, provided that the resultant drawing shall not exceed **thirty-six (36) inches square**. The final plat and supporting data shall portray/provide all of the following information:

- (1) north arrow, graphic scale, and date;
- (2) name of the subdivider;
- (3) identification of the portion of the Public Lands Survey in which the subdivision is located;
- (4) accurate metes and bounds or other adequate legal description of the tract;
- (5) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in ten thousand (10,000) feet**;
- (6) reference to recorded plats of adjoining platted land by recorded name, plat book, and page number;
- (7) accurate locations of all existing streets intersecting the boundaries of the subdivision;
- (8) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;
- (9) name and right-of-way width of every proposed street;
- (10) purpose of any existing or proposed easement;
- (11) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (12) purpose(s) for which sites, other than private lots, are reserved;

- (13) building or setback lines with accurate dimensions; and
- (14) restrictions of all types which will run with the land and become covenants in the deeds of lots.

(C) **Certificates Required.** As required by State law (**765 ILCS 109 and 65 ILCS 5/11-12-8**), the following certificates shall be executed on the final plats:

(1)

OWNER'S CERTIFICATE

We, _____, the Owners of _____ (description) _____, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as . All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption Laws of the State of Illinois.

Dated this ___ day of _____, 20__.

_____ (Seal)

_____ (Seal)

(2)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of St. Clair)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____ (owners) are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

Notary Public

(3)

SURVEYOR'S CERTIFICATE

I, the undersigned Illinois Licensed Professional Land Surveyor, hereby certify that at the request of the owner(s), we have surveyed the tract of land shown hereon for the purpose of subdividing the tract into lots as shown, and that this plat conforms to the current Illinois minimum standards for a boundary survey. We further certify that we have examined the Federal Emergency Management Agency's Flood Insurance Rate Map for the subject property and that it appears that (part)/(no part) of said land is situated within a special flood hazard area as identified by the Federal Emergency Management Agency.

We further certify that we have reviewed the map of Mined-Out Coal Map No. 27 as available from the Illinois State Geological Survey in Urbana, Illinois, and that it appears that (part)/(no part) of the subdivided property shown hereon lies within a mined-out area.

Illinois Licensed Professional Land Surveyor

Registration Number

Date

(Ord. No. 1041; 12-19-07)

(4)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of St. Clair County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(5)

BOARD OF TRUSTEES' CERTIFICATE

I, _____, Mayor of the Village, do hereby certify that the plat shown herein was duly presented to the Board of Trustees and approved at a meeting of same held on ____ (date) ____.

Mayor

ATTEST

Village Clerk

(6)

FLOOD HAZARD CERTIFICATE

We, the undersigned, do hereby certify that no part of this plat to be recorded is situated within **five hundred (500) feet** of any surface drain or watercourse serving a tributary area of **six hundred forty (640) acres** or more. If this plat is within **five hundred (500) feet** of any surface drain or watercourse, we hereby certify that this plat has been reviewed by the Illinois Department of Transportation, Division of Water Resources, and their report is on file with the St. Clair County Recorder of Deeds.

By: _____
Owner(s)

By: _____
Illinois Land Surveyor

Registration Number

Date

(7)

ENGINEER'S AND OWNER'S DRAINAGE STATEMENT

We, the undersigned, hereby certify that to the best of our knowledge and belief the drainage of surface waters will not be changed by the construction of this subdivision or any part thereof, or, that is such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Illinois Licensed Professional Engineer

Owner(s)

(Ord. No. 1041; 12-19-07)

(D) **Administrative Review, Advisory Report.** Within **thirty (30) days** from the date of application for final plat approval, the Village Engineer and Administrator shall review said final plat (and supporting data), and shall jointly advise the Planning Commission in writing whether it substantially conforms to the approved preliminary plat. A copy of their advisory report shall be forwarded to the Planning Commission and the Planning Commission shall then examine the final plat for its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, and the regulations of this Code and all other Village ordinances. The Planning Commission shall recommend approval, conditional approval, or rejection of the final plat to the Board of Trustees. **(Ord. No. 1041; 12-19-07)**

In accordance with State law, the Planning Commission shall either approve or disapprove the application for final plat approval within **ninety (90) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Planning Commission and the subdivider mutually agree to extend this time limit. **(65 ILCS 5/11-8)** If the Planning Commission disapproves the final plat they shall furnish to the applicant within the **ninety (90) day** period a written statement specifying the aspects in which the proposed plat fails to conform to this Development Code and/or the Official Map. If the Planning Commission approves the final plat, they shall promptly so inform the Board of Trustees. **(Ord. No. 1041; 12-19-07)**

(E) **Action by Board of Trustees.** In accordance with State law, the Board of Trustees shall either approve or disapprove the application for final plat approval by resolution within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Board and the subdivider mutually agree to extend this time limit. **(65 ILCS 5/11-12-8)** The Board of Trustees shall not approve any final plat unless:

- (1) the final plat substantially conforms to the approved preliminary plat; and
- (2) the final plat manifests substantial compliance with the design and improvements standards of this Code and the Official Map; and
- (3) to the Board of Trustee's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- (4) either of the following has been met:
 - (a) all required improvements have been completed, inspected, and accepted; or
 - (b) the subdivider/developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion of all required improvements.

If the Board of Trustees disapprove the final plat, their resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.

The Village Clerk shall attach a certified copy of the Board's resolution and the plat shall be retained by the Village Clerk, **one (1) copy** shall be filed with the Administrator and **one (1) copy** shall be given to the subdivider.

(F) **Changes in Approved Final Plats.** Once the final plat is approved, by the Board of Trustees, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new final plat and complete re-review.

40-6-24 **MAINTENANCE BONDS.** The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by the Village or other appropriate entity.

Prior to dedication, the subdivider/developer shall post with the Village a maintenance bond, approved by the Village Attorney, in an amount determined by the Village Engineer. Said bond shall guarantee the satisfactory condition of the required improvements for a period of **two (2) years** from the date of their acceptance and dedication. If at any time during the two-year period the improvements are found to be defective, they shall be repaired/replaced at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the Village, the Village shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess.

40-6-25 **SUBDIVISION VARIANCES.** Any subdivider/developer desiring a variance from the requirements of **Article VI** of this Code shall file a written application therefore with the Administrator at the same time that he files his application for preliminary plat approval. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties and hardship.

(A) **Planning Commission's Advisory Report.** The Planning Commission shall submit an advisory report on the requested subdivision variance to the Board of Trustees within **thirty (30) days** from the date the variance application is transmitted to them by the Administrator. Their advisory report shall be responsive to all of the subdivision variance standards set forth in **Section 40-6-25(B)**.

(B) **Action by Board of Trustees, Variance Standards.** At their next regularly scheduled meeting following receipt of the Planning Commission's advisory report, the Board of Trustees shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefore and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The Board of Trustees shall not grant any subdivision variance unless, based upon the evidence presented to them, they determine that:

- (1) the proposed subdivision variance is consistent with the general purposes of this Code (**See Section 40-6-1**); and
- (2) strict application of the subdivision requirements would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and
- (3) the proposed subdivision variance is the minimum deviation from the subdivision regulations (**Division VI**) that will alleviate the difficulties/hardship; and
- (4) the plight of the applicant is due to peculiar circumstances not of his own making; and
- (5) the peculiar circumstances engendering the subdivision variance request are not applicable to other tracts and, therefore, that a subdivision variance would be a more appropriate remedy than a Code amendment; and
- (6) the subdivision variance, if granted, will not materially frustrate implementation of the Village's Comprehensive Plan including the Official Map.

40-6-26 **VACATION OF PLATS.** In accordance with State law (**765 ILCS 205**), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot thereon, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the Village or other public body or public utility owning such facilities, the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining/ reconstructing the same. The vacation instrument shall be approved by the Board of Trustees in the same manner as plats of subdivision, and shall also be approved by the St. Clair County Superintendent of Highways, the Highway Commissioner of the appropriate township, the District Engineer of the State Department of Public Works and Buildings, and the public utilities involved. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts.

40-6-27 **VACATION OF STREETS AND ALLEYS.**

(A) A petition requesting the vacation of any street, alley or part thereof shall be filed with the Village Zoning Administrator in triplicate and signed by all owners of property abutting upon the street, alley or part thereof which is to be vacated.

(B) Such petition shall be accompanied with a plat in triplicate of the street, alley or part thereof desired to be vacated, along with a filing fee of **Three Hundred Fifty Dollars (\$350.00)**.

(C) All petitions requesting vacation shall be referred to the Plan Commission for its recommendation.

(D) The Plan Commission shall hold a public hearing on the proposed vacation. At least **fifteen (15) days** prior to such a hearing, notice of time, place and subject matter shall be published in a newspaper of general circulation. At the hearing, all interested persons shall be heard concerning the proposed vacation.

(E) Within a reasonable time after the hearing, the Plan Commission shall submit their advisory report to the Village Board. The reports shall state the Plan Commission's recommendations regarding the vacation and their reasons thereof.

(F) The Council may adopt an ordinance providing that it shall become effective when all the owners of property abutting upon the street, alley or part thereof so vacated shall pay compensation in the amount to be determined in the following manner:

- (1) Determine the most recent equalized assessed value (E.A.V.) of the petitioner's unimproved land abutting the street, alley or part thereof which is to be vacated.
- (2) Establish a cost per square foot of the unimproved land by dividing the E.A.V. by the square footage of the petitioner's land.
- (3) Apply this rate per square foot to the number of square feet to be vacated by the City.

(G) If there are any public service facilities in such street, alley or part thereof, the ordinance may also reserve the Village or public utilities' right of way or easements which are necessary for continuing public service. **(Ord. No. 1041; 12-19-07)**

40-6-28 **MINOR SUBDIVISION.** The subdivider who desires a minor subdivision must first meet the definition for "Subdivision, Minor" in Article II.

The subdivider shall file with the Zoning Administrator **four (4) copies** at a minimum of **twenty-four (24) inch** by **seventeen (17) inch** format of the draft plat of the proposed minor subdivision for review by the Zoning Administrator and Village Engineer for compliance as a minor subdivision. Upon establishing that the proposed minor subdivision meets the minimum requirements for a minor subdivision under the Village Development Code, the Zoning Administrator shall so notify the subdivider that he may submit an application for a minor subdivision using the "Application for Preliminary and Final Plat Approval" from the Village.

(A) **Information Required.** The Minor Subdivision submitted shall be in accordance with the following requirements:

- (1) Completed application.
- (2) **Three Hundred Fifty Dollars (\$350.00)** Application Fee submitted with Application.
- (3) The subdivider shall file **one (1) copy** of the Minor Subdivision Plat with the St. Clair County Soil and Water Conservation District **(70 ILCS 405/22.02a)**
- (4) Submit in final form, **four (4) copies** in **twenty-four (24) inch** by **thirty-six (36) inch** format of the minor subdivision; **twenty (20) copies** in **eleven (11) inch** by **seventeen (17) inch** format of the minor subdivision; and **twenty (20) copies** of all data necessary to show compliance with provisions of this Code.
- (5) The Minor Subdivision Plat shall display the following required information and shall be prepared by a land surveyor registered in Illinois:

- (a) names and addresses of the owner, subdivider (if not the owner), and registered land surveyor;
 - (b) proposed name of the subdivision;
 - (c) zoning district classifications of the tract to be subdivided;
 - (d) north arrow, graphic scale, and date of map;
 - (e) dimensions of the tract, and its gross and net area;
 - (f) topography of the tract to be subdivided as indicated by **two (2) foot** contour data for land having slopes of **zero to four percent (0-4%)**, **five (5) foot** contour data for land having slopes of **four to twelve percent (4-12%)**, and **ten (10) foot** contour data for land having slopes of **twelve percent (12%)** or more;
 - (g) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;
 - (h) locations, types, and approximate sizes of all other existing and proposed utilities;
 - (i) location, dimension, and area of all proposed or existing lots within the subdivision;
 - (j) identification of the portion of the Public Lands Survey in which the subdivision is located;
 - (k) accurate metes and bounds or other adequate legal description of the tract;
 - (l) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in ten thousand (10,000) feet**;
 - (m) reference to recorded plats of adjoining platted land by recorded name, plat book, and page number;
 - (n) accurate locations of all existing streets intersecting the boundaries of the subdivision;
 - (o) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions angles, or bearings and curve data, including radii, arcs, or chords, points of tangency, and central angles;
 - (p) number of each lot, lot dimensions, and (in a separate list) lot areas;
 - (q) purpose(s) for which sites, other than private lots, are reserved;
 - (r) building or setback lines with accurate dimensions; and
 - (s) restrictions of all types which will run with the land and become covenants in the deeds of lots.
- (6) **Certificates Required.** As required by State law (**765 ILCS 109 and 65 ILCS 5/11-12-8**), the following certificates shall be executed on the final plats:

(a)

OWNER'S CERTIFICATE

We, _____, the Owners of _____ (description) _____, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as _____. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption Laws of the State of Illinois.

Dated this ___ day of _____, 20__.

_____ (Seal)

_____ (Seal)

(b)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of St. Clair)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that _____ (owners) are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

Notary Public

(c)

SURVEYOR'S CERTIFICATE

I, _____, a registered Illinois Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of for the purpose of subdividing the tract into lots as shown.

Illinois Licensed Professional Land Surveyor

Registration Number

Date

(d)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of St. Clair County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(e)

BOARD OF TRUSTEES' CERTIFICATE

I, _____, President of the Village, do hereby certify that the plat shown hereon was duly presented to the Board of Trustees and approved at a meeting of same held on _____ (date)_____.

President

ATTEST

Village Clerk

(f)

FLOOD HAZARD CERTIFICATE

We, the undersigned, do hereby certify that no part of this plat to be recorded is situated within **five hundred (500) feet** of any surface drain or watercourse serving a tributary area of **six hundred forty (640) acres** or more. If this plat is within **five hundred (500) feet** of any surface drain or watercourse, we hereby certify that this plat has been reviewed by the Illinois Department of Transportation, Division of Water Resources, and their report is on file with the St. Clair County Recorder of Deeds.

By: _____
Owner(s)

By: _____
Illinois Land Surveyor

Registration Number

Date

(B) **Filing, Time Limits.** The subdivider of a Minor Subdivision who desires approval has **one (1) year** to complete the process. The year begins with the filing of the Application with the Zoning Administrator. However, with the Board of Trustee's consent, the subdivider may delay the process for plat approval for successive **one (1) year** periods.

(C) **Administrative Review, Advisory Report.** Within **sixty (60) days** from the date of application for a Minor Subdivision, the Village Engineer and Administrator shall review said Minor Subdivision plat (and supporting data), and shall jointly advise the Village Board in writing whether it substantially conforms to the Minor Subdivision plat requirements. Their advisory report shall be forwarded to the Village Board at the Planning and Zoning Committee at least **fifteen (15) days** before the Board meets to approve or disapprove the Minor Subdivision plat.

(D) **Action by Board of Trustees.** In accordance with State law, the Board of Trustees shall either approve or disapprove the application for final plat approval by resolution within **sixty (60) days** from the date said application or the filing of the last item of required supporting data, whichever date is later, unless the Board and the subdivider mutually agree to extend this time limit. **(65 ILCS 11-12)** The Board of Trustees shall not approve any Minor Subdivision plat unless:

- (1) the Minor Subdivision plat substantially conforms to the Minor Subdivision plat requirements; and
- (2) the Minor Subdivision plat manifests substantial compliance with the design and improvements standards of this Code and the Official Map; and
- (3) to the Board of Trustee's knowledge and belief, the Minor Subdivision plat complies with all pertinent requirements of State law; and
- (4) either of the following has been met:
 - (a) all required improvements have been completed, inspected, and accepted; or
 - (b) the subdivider/developer has posted a performance bond or deposited funds in escrow to guarantee the satisfactory completion of all required improvements.

If the Board of Trustees disapprove the Minor Subdivision plat, their resolution shall specify the aspects in which the plat fails to meet the above conditions for approval.

The Village Clerk shall attach a certified copy of the Board's resolution and the plat shall be retained by the Village Clerk, **one (1) copy** shall be filed with the Administrator and **one (1) copy** shall be given to the subdivider.

(E) **Changes in Approved Minor Subdivision Plats.** Once the Minor Subdivision plat is approved, by the Board of Trustees, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Minor Subdivision plat and complete re-review. **(Ord. No. 1041; 12-19-07)**

40-6-29 COMPLIANCE REQUIRED BEFORE ISSUANCE OF AN INITIAL CERTIFICATE OF CODE COMPLIANCE. No Initial Certificate Code of Compliance, including, but not limited to a building permit shall be issued for the construction of any building, structure or improvement to land or any lot within any subdivision until all requirements of this Division have been complied with in full. This restriction is in addition to any requirement and/or restriction for Initial Certificate of Code Compliance Building Permits that may be found in other provisions of this Code or other Ordinances of the Village. **(Ord. No. 1041; 12-19-07)**

40-6-30 PREREQUISITES TO THE ISSUANCE OF A FINAL CERTIFICATE OF CODE COMPLIANCE. No Final Certificate of Code Compliance, including, but not limited to an occupancy permit shall be granted for the use of any structure within a subdivision until:

- (A) the required utility facilities have been installed and made ready to service the property; and,
- (B) street identification signs and traffic control signs have been installed; and,
- (C) the street lighting system has been installed and is functioning; and
- (D) the roadways providing access to the subject lot have been constructed or are in the course of construction and are suitable for vehicular traffic.

These requirements are in addition to any requirements and restrictions for Final Certificate of Code Compliance, including Occupancy Permits, that may be found in other provisions of this Code or other Ordinances of the Village. **(Ord. No. 1041; 12-19-07)**

ARTICLE VII - STORMWATER DRAINAGE AND EROSION AND SEDIMENT CONTROL

DIVISION I - AUTHORITY AND PURPOSE

40-7-1 **AUTHORITY AND PURPOSE.** This Article is enacted pursuant to the police powers granted to the Village of Caseyville, Illinois by, **65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, and 5/11-31-2.**

The purpose of this Article is to diminish threats to public health and safety, protect property, prevent damage to the environment and promote public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any new development or redevelopment or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth and/or changes the stormwater drainage pattern and/or stormwater flows from that which would have occurred if the land had been left in its natural state. This stormwater runoff and resulting soil erosion could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. One cause of increases in stormwater runoff quantity or rate and impairment of quality and loss of valuable topsoil is the new development or redevelopment of the land. This Article regulates these activities to minimize adverse impacts.

This Article is adopted to accomplish the following objectives:

- (A) To assure that new development or redevelopment does not increase the drainage or flood hazards, or create unstable conditions susceptible to soil erosion;
- (B) To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff and soil erosion;
- (C) To protect human life and health from the hazards of increased flooding and soil erosion on a watershed basis;
- (D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by stormwater runoff and soil erosion quantities from new development or redevelopment;
- (E) To protect, conserve, and promote the orderly development of land and soil, water, air, animal, and plant resources;
- (F) To preserve the natural hydrologic and hydraulic functions of watercourses and flood plains and to protect water quality and aquatic habitats; and
- (G) To preserve the natural characteristics of stream corridors in order to manage flood and stormwater impacts, improve surface water and groundwater quality, reduce soil erosion, protect aquatic and riparian habitat, maintain quality forest resources, provide recreational opportunities, provide aesthetic benefits, enhance community and economic development.

40-7-2 **OTHER RELEVANT PERMITTING.** Before a Development Permit under this Article becomes effective, all required Federal, State, and Local permits will have been received for the site subject to new development or redevelopment. The acquisition of these permits shall be the sole responsibility of the applicant. These may include but are not limited to Section 404 of the Clean Waters Act, Section 106 of the National Historic Preservation Act, Section 10 of the Rivers and Harbors Act or permitting required by the Illinois Department of Natural Resources, Office of Water Resources in accordance with the Rivers, Lakes and Streams Act, **615 ILCS**, the Soil and Water Conservation Districts Act, **70 ILCS**, the Farmland Preservation Act, **505 ILCS**, the Illinois Groundwater Protection Act, **415 ILCS** and the National Pollutant Discharge Elimination System Permit (NPDES) through the Illinois Environmental Protection Agency, Division of Water Pollution Control. Compliance is also required with but not limited to the Development Code of the Village.

40-7-3 **APPLICABILITY.** This Article shall apply to all new development or redevelopment in the Village. Except as otherwise provided in this Article, no person, firm or corporation,

public or private, the State of Illinois and its agencies or political subdivisions, the United States of America, and its agencies or political subdivisions, any agent, servant, officer or employee of any of the foregoing which meets the following provisions or is otherwise exempted in this Article, shall not commence any development activities without first having obtained a Development Permit from the Administrator of the Village.

A development permit shall be required for the following:

(A) Any new development or redevelopment that will include an area that will meet or exceed **ten thousand (10,000) square feet** of total impervious surface (i.e., streets, roof, patio or parking area or any combination thereof); or

(B) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area that will meet or exceed **ten thousand (10,000) square feet** or that will exceed **one hundred (100) cubic yards**; or

(C) Any land disturbing activity if the activity is within **twenty-five (25) feet** of a river, lake, pond, stream, sinkhole, or wetland; and is done in conjunction with paragraphs (A) or (B); or

(D) Any land disturbing activity on the sloping side of the slope disturbance line and is in conjunction with paragraphs (A), (B) or (C); or

(E) Any tree cutting or mechanized land clearing where the tree, native to Southwestern Illinois, is in excess of **eight (8) inches** in diameter and is done in conjunction with paragraphs (A), (B), (C) or (D).

40-7-4 EXEMPTIONS. A Development Permit shall not be required for the following:

(A) Any new development, redevelopment or other activity falling below the minimum standards as set forth in **Section 40-7-3**.

(B) The agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the St. Clair County Soil and Water Conservation District, and including the construction of agricultural structures.

(C) The maintenance of any existing stormwater drainage/detention component or structure or any existing soil erosion/sediment control component or structure; including dredging, levee restoration, tree removal or other function which maintains the original design capacities of the above.

(D) The construction of, improvements to, or the maintenance of any street, road, highway or interstate highway performed by any unit of government whose powers grant such authority.

40-7-5 EXCEPTIONS. The Zoning Board of Appeals may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Article.

(A) Application for exception shall be made by a verified petition of the applicant for a Development Permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the Development Permit application. In order for the petition to be granted, it shall be necessary that the Zoning Board of Appeals find all of the following facts with the respect to the land referred to in the petition:

(1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Article;

(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(3) That the granting of the exception will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subjects property.

(B) Each application for an exception shall be made to the Administrator. The Administrator and the Village Engineer will review and transmit recommendations to the Zoning Board of Appeals, which shall review such recommendations prior to granting or denying the exception.

(C) The Zoning Board of Appeals shall hold a public hearing on each application for exception, within **thirty (30) days** after receiving the application, in the manner provided with respect to appeals. Within **thirty (30) days** after public hearing, the Zoning Board of Appeals shall either approve the site development permit application with the exceptions and conditions it deems necessary or it shall disapprove such development permit application and exception application or it shall take other such action as appropriate.

40-7-6 **SEPARABILITY.** The provisions and sections of this Article shall be deemed to be separable, and the invalidity of any portion of this Article shall not affect the validity of the remainder.

40-7-7 **RESPONSIBILITY.** The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Village or its officers or agents will not be made liable for such damage, by (1) the issuance of a Development Permit under this Article, (2) compliance with the provisions of that Development Permit or conditions attached to it by the Administrator, (3) failure of Village Officials to observe or recognize hazardous or unsightly conditions, (4) failure of Village Officials to recommend denial or to deny a Development Permit, or (5) exemptions from Development Permit requirements of this Article.

40-7-8 **REFERENCE STANDARDS.** Appendix A: Illinois Department of Transportation, Drainage Manual, (as amended); Appendix B: Illinois Environmental Protection Agency, Illinois Urban Manual, (as amended); and Appendix C: Southwestern Illinois Metropolitan and Regional Planning Commission; Desirable Trees Native to Southwestern Illinois, (as amended) are adopted by reference as applicable standards to assist applicants to gain compliance with Division VII Stormwater Drainage and Detention; Erosion and Sediment Control.

40-7-9 **RESERVED.**

DIVISION II - DEFINITIONS

40-7-10 **DEFINITIONS.** For the purposes of this Article certain terms are defined and set forth below:

Adverse Impacts: Any negative impact on plant, soil, air or water resources affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

Applicant: Any person, firm, or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a new development or redevelopment from the Village.

Base Flood Elevation: The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event, which has a **one percent (1%)** chance of occurring in any given year.

Building Permit: A permit issued by the Village for the construction, erection or alteration of a structure or building and the related ground and surface preparation prior to and after completion of construction, erection or alteration of a structure or building.

Bypass Flows: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

Certify or Certification: Formally attesting that the specific inspections and tests were performed, and that such inspections and tests comply with the applicable requirements of this Article.

Channel: Any defined river, stream, creek, brook, branch, natural or artificial depression, ponded area, on-stream lake or impoundment, karst area (sinkhole), flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainage way, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Channel Modification: Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), filling, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the man-made clearing of debris or removal of trash.

Clearing: Any activity which removes the natural vegetative ground cover.

Compensatory Storage: An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structure are placed within the floodplain.

Conduit: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

Cubic Yard: A **one (1) yard by one (1) yard by one (1) yard** amount of material in excavation and/or fill.

Detention Basin: A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

Detention Time: The amount of time stormwater is held within a detention basin.

Development: Any manmade change to real estate or property, including:

- (A) The division or subdivision of any duly recorded parcel of property;
- (B) Construction, reconstruction or placement of a building or any addition to a building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;
- (D) Construction of roads, bridges, or similar projects;
- (E) Redevelopment of a site;
- (F) Filling, dredging, grading, clearing, excavating, paving or other non-agricultural alterations of a ground surface;
- (G) Storage of materials or deposit of solid or liquid waste;
- (H) Any other activity that might alter the magnitude, frequency, direction, or velocity of stormwater flows from a property.

Drainage Plan: A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of a property.

Dry Basin: A detention basin designed to drain after temporary storage of stormwater flows and to normally be dry over much of its bottom area.

Erosion: The general process whereby soil or earth is moved by rainfall, flowing water, wind or wave action.

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, re-located or bulldozed and shall include the conditions resulting from such actions.

Excess Stormwater Runoff: The volume and rate of flow of stormwater discharged from a new development or redevelopment which is or will be in excess of that volume and rate which existed before development or redevelopment.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Fill: Any act by which earth, sand, gravel, rock, or any other material, is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Final Grade: The vertical location of the ground surface after grading work is completed in accordance with the engineering plans.

Flood Fringe: That area as designated by the Federal Emergency Management Agency (FEMA) on either side of the floodway. This area is subject to inundation from the base flood but conveys little or no flow.

Flood Hazard Boundary Map (FHBM): A very generalized map prepared by the Federal Emergency Management Agency (FEMA) which shows only where floodplains are located based on very basic data. FHBM's do not include base flood elevations.

Flood Insurance Rate Map (FIRM): A map prepared by the Federal Emergency Management Agency (FEMA) that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and regulatory floodplains and may or may not depict regulatory floodways.

Floodplain: That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation which is subject to inundation. The floodplain as designated by the Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). This area is the collective combination of the regulatory floodway and the flood fringe.

Floodway: The channel and that portion of the floodplain, including on-stream lakes, adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a **0.1 foot** increase in stage due to any loss of flood conveyance or storage and no more than a **ten percent (10%)** increase in velocities.

Grading: The excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Hydrograph: A graph showing for a given location on a stream or conduit, the flow rate with respect to time.

Hydrograph Method: This method estimates runoff volume and runoff hydrographs for the point of interest by generating hydrographs for individual sub areas, combining them, and routing them through stream lengths and reservoir structures. Factors such as rainfall amount and distribution, runoff curve number, time of concentration, and travel time are included.

Impervious Surface: That area of property that is covered by materials other than soil and vegetation and that has no intended capacity to absorb stormwater, such as parking lots, driveways, sidewalks, patios, tennis courts, roofs and other structures.

Infiltration: The passage or movement of water into the soil surfaces.

Loessal Soil: A sediment, commonly non-stratified and unconsolidated, composed predominately of silt sized particles with accessory clay and sand.

Lot: An individual platted parcel in an approved subdivision.

Major Drainage System: That portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

Minor Drainage System: That portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and, where manmade, is to be designed to handle the 10-year runoff event.

Mitigation: Mitigation is when the prescribed controls are not sufficient and additional measures are required to offset the development, including those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include, but are not limited to compensatory storage, soil erosion and sedimentation control, and channel restoration.

Modified Rational Method: As described in the Illinois Department of Transportation "Drainage Manual" is based on the principal that the maximum rate of runoff from a given drainage area occurs at that point in time when all parts of the watershed are contributing to the flow. The rainfall generating the peak flow is assumed to be of uniform intensity for the entire watershed with a rainfall duration equal to the time of concentration.

Natural: Conditions resulting from physical, chemical, and biological processes without intervention by man.

Natural Drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

One Hundred-Year Event: A rainfall, runoff, or flood event having a one percent chance of occurring in any given year. A 24 hour storm duration is assumed unless otherwise noted.

Parcel: All contiguous land in one ownership.

Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit.

Permittee: Any person to whom a building permit is issued.

Person: Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, the United States of America, and its agencies or political subdivisions, and any agent, servant, officer or employee of any of the foregoing.

Positive Drainage: Provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.

Prime Farmland: Prime farmland is land that is best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It is either used for food or fiber or is available for those uses. The soil qualities, growing season and moisture supply are those needed for a well managed soil to economically produce a sustained high yield of crops. Prime farmland produces the highest yields with minimum inputs of energy and economic resources, and farming it results in the least damage to the environment.

Property: A parcel of real estate.

Retention Basin: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

Sedimentation: The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

Site: A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Sinkhole, (Karst Areas): A Sinkhole or Karst topography is a land surface depression or blind valley which may or may not have surface openings to cavernous underground areas and are the result of water movement through silts and jointed limestone. These conditions make such areas unstable and susceptible to subsidence and surface collapse. Fractures in the limestone may channel runoff water to public or private water supplies, making those sources especially susceptible to groundwater contamination.

Slope Disturbance Line: The line which delineates relatively level building areas from areas where slopes exceed **eight percent (8%)** and where special precautions must be taken.

Stormwater Drainage System: All means, natural and manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes but is not limited to any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

Stormwater Management: Managing the quantity and quality of stormwater using both structural or engineered control devices and systems, as well as operational or procedural practices, but also including strategic site design, measures to control the sources of runoff, and landscape planning. **(Ord. No. 1120; 01-19-11)**

Stormwater Runoff: The waters derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

Storm Sewer: A closed conduit for conveying collected stormwater.

Stream: Any river, creek, brook, branch, flowage, ravine, or natural or man-made drainage way which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Stripping: Any activity which removes the vegetative surface cover including tree removal, by spraying or clearing, and storage or removal of top soil.

Ten-Year Event: A runoff, rainfall, or flood event having a **ten percent (10%)** chance of occurring in any given year. A 24 hour storm duration is assumed unless otherwise noted.

Time of Concentration: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

Tributary Watershed: All of the land surface area that contributes runoff to a given point.

Two-Year Event: A runoff, rainfall, or flood event having a **fifty percent (50%)** chance of occurring in any given year. A 24-hour storm duration is assumed unless otherwise noted.

Vacant Land: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Watershed: All land area drained by, or contributing water to, the same stream, creek, ditch, lake, marsh, stormwater facility, groundwater or depressional area.

Wet Basin: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

Wetlands: Wetlands are defined by regulation as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." For general, but not inclusive locations of designated wetlands refer to mapping prepared jointly by the U.S. Department of Interior, Fish and Wildlife Service and the Illinois Department of Natural Resources, Office of Resource Conservation; National Wetlands Inventory Mapping, 1987. The applicant may be required to provide a field investigation by a qualified wetland delineator.

40-7-11 - 40-7-14 RESERVED.

DIVISION III - STORMWATER DRAINAGE AND DETENTION

40-7-15 DRAINAGE PLAN SUBMITTAL REQUIREMENTS. Each applicant shall submit the following information, to ensure that the provisions of this Article are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts and benefits of the development on water resources both on-site and off-site, and the effectiveness of the proposed drainage plan in managing stormwater runoff, and meet the provisions of **Section 40-7-2**. The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions for all new development or redevelopments that meet or exceed the minimum requirements of **Section 40-7-3**.

(A) **Drainage Plan Requirements.** A topographic survey of the property at **two (2) foot** contours unless otherwise specified or approved by the Village Engineer. The plan map shall be keyed to a consistent datum specified by the Village. The mapping will use a digital format and the Global Positioning System (GPS), the applicant will provide both paper and digital copies including GPS points. Each outfall will have its position delineated, noted and referenced on the mapping, using GPS points.

(B) **Mapping and Descriptions.** An existing drainage and proposed drainage plan for the property and **one hundred (100) feet** surrounding the property at a scale of not more than **one hundred (100) feet to one (1) inch**, and including the following:

- (1) property boundary, dimensions, and approximate acreage;
- (2) building setback lines;
- (3) all existing and proposed structures and sizes;
- (4) square feet of existing and proposed impervious surface;
- (5) all existing, or proposed easements;
- (6) all existing, abandoned, or proposed water or monitoring well head locations;
- (7) all sanitary or combined sewer lines and septic systems;
- (8) the banks and centerline of streams and channels;
- (9) shoreline of lakes, ponds, and detention basins with normal water level elevation;
- (10) farm drains and tiles;
- (11) soils classifications;

- (12) location, size and slope of stormwater conduits and drainage swales;
- (13) depressional storage areas;
- (14) detention facilities;
- (15) roads, streets and associated stormwater inlets including finished grades;
- (16) base flood elevation, flood fringe, and regulatory floodway;
- (17) basis of design for the final drainage network components;
- (18) a statement giving any applicable engineering assumptions and calculations;
- (19) a vicinity map showing the relationship of the site to its general surroundings at a scale of not less than **two thousand (2,000) feet to one (1) inch** (1:24,000)
- (20) title, scale, north arrow, legend, seal of Licensed Professional Engineer, date, and name of person preparing plans.
- (21) cross-section data for open channel flow paths and designated overland flow paths;
- (22) direction of storm flows;
- (23) flow rates and velocities at critical points in the drainage system;
- (24) a statement by the design engineer of the drainage system's provision for handling events greater than the 100-year, 24 hour runoff; and
- (25) a statement of certification of all drainage plans, calculations, and supporting data by a Licensed Professional Engineer.

(C) **Environmental Features.** A depiction of environmental features of the property and immediate vicinity including the following:

- (1) the limits of designated regulatory and non-regulatory wetland areas;
- (2) the location and limits of known sinkholes (karst areas);
- (3) the location of trees greater than **eight (8) inches** in diameter;
- (4) any designated natural areas, prime farmland; and
- (5) any proposed environmental mitigation features.

40-7-16 MINIMIZATION OF INCREASES IN RUNOFF VOLUMES AND RATES. In the selection of a drainage plan for a new development or redevelopment, the applicant shall evaluate and implement site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan submittal shall include evaluations of site design features which are consistent with the following hierarchy:

- (A) Preservation of regulatory floodplains, flood prone and wetland areas;
- (B) Minimize impervious surfaces on the property, consistent with the needs of the project;
- (C) Attenuate flows by use of open vegetated swales and natural depressions and preserves the existing natural stream channel.
- (D) Infiltration of runoff on-site;
- (E) Provide stormwater retention structures;
- (F) Provide wet or wetland detention structures;
- (G) Provide dry detention structures; and
- (H) Construct storm sewers.

40-7-17 WATER QUALITY AND MULTIPLE USES. The drainage system should be designed to minimize adverse surface and groundwater quality impacts off-site and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff pollutants. In particular, designers shall give preference to wet bottom and wetland type designs and all flows from the development shall be routed through the basin (i.e., low flows shall not be bypassed). Detention of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, fishing, trails, playing fields), wetlands and water quality mitigation.

40-7-18 **DESIGN CRITERIA, STANDARDS, AND METHODS.**

(A) **Release Rates.** The detention system for new developments or redevelopments shall be designed to control the peak rate of discharge from the property for the **two (2) year**, 24-hour and 100-year, 24 hour events to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. For new developments or redevelopments meeting the provisions of **Division VII, Article III** the Modified Rational Method of design as specified in the Illinois Department of Transportation (IDOT) "Drainage Manual" may be used to calculate release rates or detention basin storage may be computed using Hydrograph Methods utilizing reservoir routing (also called modified puls or level pool) or equivalent method. **(Ord. No. 1041; 12-19-07) (Sec. 3-4.1)**

(B) **Detention Basin Outlet Design.** Backwater on the outlet structure from the downstream drainage system shall be addressed when designing the outlet.

(C) **Detention Storage Requirements.** The design maximum storage to be provided in the detention basin shall be based on the runoff from the runoff different before and after development from the 100-year, 24-hour event. All detention basin storage shall be computed using Hydrograph Methods utilizing reservoir routing (also called modified puls or level pool) or equivalent method.

(D) **Drainage System Design and Evaluation.** The following criteria should be used in evaluating and designing the drainage system. The design will provide capacity to pass the 25-year design storm flow in the storm sewer (minor drainage) and an overland flow path for flows in excess of the design capacity. Whenever practicable, the storm water systems shall not result in the interbasin transfer of drainage unless no other alternative exists. This paragraph defines the requirements for design of the storm water conveyance system only. Storm water detention facilities shall be designed in accordance with paragraphs (A), (B) and (C) above. **(Ord. No. 1120; 01-19-11)**

(E) **Design Methodologies.** Major and minor conveyance systems as well as detention basins shall be designed as specified in **Section 40-7-18(A)**.

(F) **Positive Drainage.** Whenever practicable, all developments must be provided an overland flow path that will pass the 100-year, 24 hour event flow at a stage at least **one (1) foot** below the lowest grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed curb heights.

(G) **Rainfall.** Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to **twelve (12) hours**. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than **twelve (12)** and less than or equal to **twenty-four (24) hours**. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than **twenty-four (24) hours**. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. Refer to Table 13 of Bulletin 70 for rainfall depth, duration, and frequency. The NRCS Type II distribution may be used as an alternate to the Huff distributions.

(H) **Antecedent Moisture.** Computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall use wet antecedent moisture condition as a minimum.

(I) **Wet Detention Basin Design.** Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.

(J) **Wet Basin Depths.** Wet basins shall be at least **three (3) feet** deep, excluding near-shore banks and safety ledges. If fish habitat is to be provided they shall be at least **eight (8) feet** deep over **twenty-five percent (25%)** of the bottom area to prevent winterkill.

(K) **Wet Basin Shoreline Slopes.** The side slopes of wet basins at the normal pool elevation shall not be steeper than **three to one** (3 to 1 horizontal to vertical). It is recommended that aquatic vegetation be established around the perimeter to provide protection from shoreline erosion.

(L) **Permanent Pool Volume.** The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the 2-year, 24-hour event as a minimum.

(M) **Wet Basin Inlet and Outlet Orientation.** The distance between detention inlets and outlets shall be maximized. Inlets and outlets shall be at opposite ends of the basin providing that the orientation does not create undue hardship based on topography or other natural constraints. Designers are encouraged to use baffles or berms in the basin bottom to prevent short circuiting. There shall be no low flow bypass between the inlet and outlet. Paved lot flow channels shall not be used. The minimum flow length shall be **ten (10) feet** with a recommended minimum ratio of **two to one (2:1)** for width.

(N) **Dry Detention Basin Design.** In addition to the other requirements of this Article, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses.

(O) **Dry Basin Drainage.** Dry basins shall be designed so that **eighty percent (80%)** of their bottom area shall have standing water no longer than **seventy-two (72) hours** for any runoff event less than the 100-year, 24 hour event. Grading plans shall clearly distinguish the wet portion of the basin bottom. Underdrains directed to the outlet may be used to accomplish this requirement.

(P) **Velocity Dissipation.** Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize resuspension of pollutants.

(Q) **Dry Basin Inlet and Outlet Orientation.** Shall be the same as **Section 40-7-18(M)**.

(R) **Temporary Stilling/Sedimentation Basin.** A stilling/ sedimentation basin shall be constructed at each major inlet to a dry basin during construction. The volume of the basin shall be a minimum of **five hundred (500) feet, three (3)** per acre, of impervious surface in the drainage area. Side slopes shall be no steeper than **three (3) feet to one (1) foot** and basin depths shall be minimum of **three (3) feet** to minimize resuspension.

(S) **Existing Depressional Areas.** Existing depressional storage volume will be maintained and the volume of detention storage provided to meet the requirements of this Article shall be in addition to existing storage.

(T) **Minimum Detention Outlet Size.** Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of **twelve (12) inches**. If this minimum orifice size permits release rates greater than those specified in this Section, and regional detention is not a practical alternative, outlets, structures such as perforated risers, or flow control orifices shall be used.

(U) **Detention in Flood Plains.** The placement of detention basins within the flood plain is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this Article may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met as well as compliance with **Section 40-7-2**.

(V) **Detention in Flood Fringe Areas.** The placement of a detention basin in a flood fringe area shall require compensatory storage for **one and one-half (1.5) times** the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this Section. The applicant shall demonstrate its operation for all stream-flow and flood plain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All flood plain storage lost below the existing ten-year flood elevation shall be replaced below the existing ten-year elevation. All flood plain storage lost above the existing ten-year flood elevation shall be replaced above the existing ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse and comply with **Section 40-7-2**.

(W) **Detention on Prime Farmland.** The placement of detention basins shall avoid the utilization of prime farmland. All detention basin construction shall examine potential impacts to adjacent agricultural land and shall address measures that will be implemented to eliminate such impacts and comply with **Section 40-7-2**.

(X) **Detention in Floodways.** Detention basins shall be placed in the floodway only in accordance with **Section 40-7-18(J)**.

(Y) **On-Stream Detention.** On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this Article with respect to water quality and control of the two-year and 100-year, 24-hour events from the property. Further criteria are presented in **Section 40-7-19**. If on-stream detention is used in watersheds larger than **one (1) square mile**, the applicant will use hydrographic modeling to demonstrate that the design will not increase the water level for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:

- (1) shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning,
- (2) shall not cause or contribute to the degradation of water quality or stream aquatic habitat,
- (3) shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin,
- (4) shall not involve any stream channelization or the filling of wetlands,
- (5) shall require the implementation of an effective non-point source management program throughout the upstream watershed which shall include as a minimum: runoff reduction "Best Management Practices" (BMP's) consistent with **Section 40-7-16**; 2 year, 24 hour detention/sedimentation basins for all development consistent with **Section 40-7-18(J)**.
- (6) shall not occur downstream of a wastewater discharge,
- (7) shall not contribute to the duration or flood frequency of any adjacent land and
- (8) shall comply with **Section 40-7-2**.

(Z) **Drainage Into Wetlands, Rivers, Streams, Lakes, Ponds, and Depressional Storage Areas.** Wetlands, lakes, ponds and depressional storage areas shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this Article, the following requirements shall be met for all developments whose drainage flows into wetlands, rivers, lakes, ponds or depressional storage areas:

- (1) Existing wetlands, rivers, lakes, ponds or depressional storage areas shall not be modified for the purposes of stormwater detention unless it is demonstrated that the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions and shall comply with **Section 40-7-2**. Existing storage and release rate characteristics of wetlands, rivers, lakes, ponds or depressional storage areas shall be maintained and the volume of detention storage provided to meet the requirements of this Section shall be in addition to this existing storage.
- (2) The existing wetlands, rivers, lakes, ponds, or depressional storage areas shall be protected during construction and as further regulated in **Division VII, Article III**, and shall not be filled.
- (3) Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetlands, rivers, lakes, ponds or depressional storage areas.
- (4) All runoff from the development shall be routed through a preliminary detention/sedimentation basin designed to capture the two-year, 24-hour event and hold it for at least **twenty-four (24) hours**, before being discharged to the wetland, river, lake, pond, or depressional storage area. This basin shall be constructed before property grading begins and shall be maintained throughout the construction process. In addition, the drainage hierarchy defined in **Section 40-7-16** should be followed to minimize runoff volumes and rates being discharged to the wetland, river, stream,

lake, pond, or depressional storage area and as further regulated in **Section 40-7-2** and **Division VII, Article IV**.

(AA) **Vegetated Buffer Strip.** A buffer strip of at least **twenty-five (25) feet** in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of a wetland, river, stream, lake, pond or depressional storage area.

(BB) **Loessal Soils.** Care must be taken to avoid open flow discharges of stormwater over silt (loessal) soils due to high potential for erosion.

(CC) **Sinkholes, Karst Area.** The following requirements apply for new developments or redevelopments where sinkholes are determined to be present:

- (1) A stormwater detention basin shall not be placed in or over a sinkhole.
- (2) Stormwater detention basins shall not be located closer than **one hundred (100) feet** from the rim of a sinkhole.
- (3) The outflow from a stormwater detention basin, channel, ditch or any stormwater runoff generated as a result of a new development or redevelopment shall not empty into or be directed, redirected by any means into or through any sinkhole.
- (4) If, after the review of the stormwater drainage plan, the Village Engineer may determine that more detailed information is required, a sinkhole evaluation may be required. A sinkhole evaluation which addresses the geologic, engineering and environmental factors resulting from a new development or redevelopment be performed by a professional with experience and expertise in karst topography, whom shall certify the results of the evaluation. This evaluation shall be the responsibility of the applicant and performed at no cost to the Village. After a review of this evaluation and with the consultation of the St. Clair County Soil and Water Conservation District, the Village Engineer may either approve or disapprove the drainage plan as submitted.
- (5) Whenever a new sinkhole appears or it becomes apparent that the sinkhole has not yet been identified, it shall be reported to the St. Clair County Soil and Water Conservation District.
- (6) Shall comply with **Section 40-7-2**.

(DD) **Street Detention, Parking Lot Detention, and Culvert Drainage.**

- (1) **Street Detention.** If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights and shall not remain flooded for more than **eight (8) hours** for any event less than or equal to the 100-year, 24 hour event.
- (2) **Parking Lot Detention.** The maximum stormwater ponding depth in any parking area shall not exceed **six (6) inches** for more than **four (4) hours**.
- (3) **Culvert, Road and Driveway Crossings.** Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

(EE) **Infiltration Practices.** To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement should be located in hydrologic soil groups "A" and "B" as designated by the USDA Natural Resources Conservation Service. Infiltration basins and trenches designed to recharge groundwater shall not be located within **seventy-five (75) feet** of a water supply well or building foundation and comply with **Section 40-7-2**. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than **seventy-two (72) hours** over **eighty percent (80%)** of the dry basin's bottom area for the maximum design event to be ex-filtrated. The bottom of infiltration basins or trenches shall be a minimum of **four (4) feet** above the seasonally high groundwater and bedrock level. Engineering calculations demonstrating infiltration rates shall be included with the application.

(FF) **Vegetated Filter Strips and Swales.** To effectively filter stormwater pollutants and promote infiltration of runoff, sites should be designed to maximize the use of vegetated filter strips and

swales. Whenever practicable, runoff from impervious surfaces shall be directed onto filter strips and swales comprised of native grasses and forbs before being routed to a storm sewer or detention basin.

(GG) **Safety Considerations.** The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events and shall comply with the following:

- (1) The side slopes of all detention basins at 100-year, 24-hour capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than three (3) to one (1) (horizontal to vertical).
- (2) All wet detention basins shall have a level safety ledge at least **four (4) feet** in width **two and one-half (2.5) to three (3) feet** below the normal water depth.
- (3) Velocities throughout the surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.
- (4) All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least **one (1) foot** below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the 100-year, 24-hour inflow rate.

(HH) **Maintenance Considerations.** The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows which can be used to completely drain the pool for sediment removal. Pumping may be considered if drainage by gravity is not feasible. Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Site access for heavy equipment shall be provided.

40-7-19 ACCOMMODATING FLOWS FROM UPSTREAM TRIBUTARY AREAS.

Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.

(A) **Upstream Areas Not Meeting Code Requirements.** When there are areas not meeting the storage and release rates of this Article, tributary to the applicant's property, regionalized detention on the applicant's property may be explored by the applicant. The following steps shall be followed:

- (1) The applicant shall compute the storage volume needed for his property using the release rates of **Section 40-7-18**, the applicant's property area, and the procedures described in **Section 40-7-17**.
- (2) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of this Article, shall be identified.
- (3) Using the areas determined above plus the applicant's property area, total storage needed for the combined properties shall be computed.

Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in **Section 40-7-18**. If tributary areas are not developed, a reasonable fully developed land cover, based on local zoning, shall be used for the purposes of computing storage.

Once the necessary combined storage is computed, the Village may choose to pay for over-sizing the applicant's detention basin to accommodate the regional flows. The applicant's responsibility will be limited to the storage for his property as computed above. If regional storage is selected by the Village, then the design produced in **Section 40-7-17** shall be implemented. If regional storage is rejected by the Village, the applicant shall bypass all tributary area flows around the applicant's basin whenever practicable. If the applicant must route upstream flows through his basin and the upstream areas exceed **one (1) square mile** in size, the applicant must meet the provision of **Section 40-7-18(Y)** for on-stream basins.

(B) **Upstream Areas Meeting Code Requirements.** When there are areas which meet the storage and release rate requirements of this Article, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall be computed as described in **Section 40-7-19**. However, if the Village decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It must be shown that at no time will the runoff rate from the applicant's property exceed the allowable release rate for his/her property alone.

40-7-20 EARLY COMPLETION OF DETENTION FACILITIES. Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant on a regular basis and before project completion in order to maintain the design volume of the facilities.

40-7-21 STORMWATER MANAGEMENT. Stormwater management systems, including, but not limited to, infiltration, evapo-transpiration; rainwater harvest and runoff reuse; shall be provided and maintained on the building site. Stormwater management systems shall address the increase in runoff that would occur resulting from development on the building site and shall either:

(A) Manage rainfall on-site and size the management system to retain, at a minimum, the volume of a single storm which is equal to the Development Code **Section 40-7-18(G)** Rainfall and all smaller storms and maintain the predevelopment natural temperature of the runoff; or

(B) Maintain or restore the pre-development stable, natural runoff hydrology of the site throughout the development or redevelopment process. Post construction runoff rate, volume, duration, and temperature shall not exceed predevelopment rates. The stormwater management system design shall be based, in part, on a hydrologic analysis of the building site.

The stormwater management system shall not redirect or concentrate off-site discharge that would harm adjoining lots or public property. **(Ord. No. 1120; 01-19-11)**

40-7-22 FEE IN LIEU OF DETENTION. All new development or redevelopment not exceeding **fifteen thousand (15,000) square feet** of impervious surface may pay a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre-foot of detention which would be required under this Article rather than installing detention facilities on the property, unless specifically directed to do otherwise by the appropriate local official. The Village also shall have the option for new development or redevelopment exceeding **fifteen thousand (15,000) square feet** of impervious surface of requiring a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre-foot of detention needed in lieu of the applicant building a basin on-site provided the property will discharge stormwater to the Village storm sewer system if applicable.

In instances where regional benefits and economies of scale can be achieved, it will be permissible for adjacent properties to utilize a common regional detention basin. Applicants shall have the option of paying a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre-foot of detention required so that the Village can build regional facilities or they can jointly build the necessary facilities themselves.

40-7-23 - 40-7-24 RESERVED.

DIVISION IV - SOIL EROSION AND SEDIMENT CONTROL

40-7-25 FINDINGS. The Village hereby finds that:

- (A) The soil types found in the Village are susceptible to erosion and if left unprotected could cause severe loss of soil with resultant damage to property;
- (B) The topography of the Village contains areas with steep slopes upon which, if clearing of trees and/or inappropriate construction takes place, could result in severe erosion and slope stability problems which could result in damage to property;
- (C) Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainage ways, and the creation of recreational facilities;
- (D) The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;
- (E) Soil erosion necessitates the costly repairing of gullies, washed out fills, and embankments;
- (F) Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, sinkholes, wetlands, and reservoirs;
- (G) Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and
- (H) Sediment reduces the channel capacity of waterways and the storage capacity of flood plains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

40-7-26 GENERAL PRINCIPLES. It is the objective of this Article to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the Village. Measures taken to control soil erosion and off-site sediment runoff shall be adequate to assure that sediment is not transported from the site by a storm event of ten-year, 24 hour frequency or less. The following principles shall apply to all new development or redevelopment activities within the Village and to the preparation of the submissions required under **Section 40-7-27**.

- (A) New development or redevelopment shall be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes greater than **eight percent (8%)** where high cuts and fills may be required are to be avoided wherever possible, and natural contours should be followed as closely as possible.
- (B) Natural vegetation shall be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, sinkholes, and wetlands are to be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.
- (C) Special precautions shall be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, sinkhole or wetland. Preventive measures shall reflect the sensitivity of these areas to erosion and sedimentation.
- (D) The smallest practical area of land shall be exposed for the shortest practical time during development.
- (E) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures shall be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.
- (F) The selection of erosion and sediment control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.
- (G) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance must be considered.
- (H) Provision shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainage ways shall be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on-site or downstream.

- (I) Permanent vegetation and structures shall be installed and functional as soon as practical during development.
- (J) Those areas being converted from agricultural purposes to other land uses shall be vegetated with an appropriate protective cover prior to development.
- (K) All waste generated as a result of site development activity shall be properly disposed of and shall be prevented from being carried off the site by either wind or water.
- (L) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.
- (M) All temporary soil erosion and sediment control practices shall be maintained to function as intended until the contributing drainage area has been permanently stabilized at which time they shall be removed.

40-7-27 EROSION AND SEDIMENT CONTROL PLAN SUBMITTAL REQUIREMENTS. Each applicant shall submit the information depending on development size, as regulated to ensure that the provisions of this Article are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development related to erosion both on-site and off-site, and the effectiveness of the proposed erosion and sediment control plan in reducing sediment loss and meet the provisions of **Section 40-7-2**. The applicant shall certify on the drawing that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the erosion and sediment control plan. The following information shall be submitted for both existing and proposed property conditions; new developments or redevelopments meeting the requirements of **Section 40-7-3**.

(A) **Erosion and Sediment Control Plan Requirements.** Shall meet the requirements of **Section 40-7-15(A) and (B)**.

(B) **Mapping and Descriptions.** The existing and proposed erosion and sediment control features of the property and immediate vicinity including:

- (1) As required in **Section 40-7-15(A) and (B)**.
- (2) Location of the slope disturbance line.
- (3) Location and description of the erosion and sediment control measures to be employed during construction.
- (4) For any structures proposed to be located on the slope side of the slope disturbance line the map shall include the limits of disturbance including tree removal, erosion and sediment control measures during construction, cross section view of any proposed cut or fill, erosion and sediment control measures during construction, details of method(s) proposed for providing slope stability, permanent stormwater control measures, and permanent erosion and sediment control measures all being certified by a registered professional engineer or a "Certified Professional Erosion Control Specialist."
- (5) The predominant soil types on the site, their location, and their limitations for the proposed use as defined by the USDA Natural Resources Conservation Service.
- (6) The proposed use of the site, including present and planned development, areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; the stormwater plan as required in **Division VII, Article III**; kinds and locations of utilities, areas and acreages proposed to be paved, sodded or seeded, vegetatively stabilized, or left undisturbed; and the location of trees over **eight (8) inches** in diameter and their type.
- (7) The erosion and sediment control plan showing all measures necessary to meet the requirements of this Article throughout all phases of construction and those remaining permanently after completion of the development of the site, including:

- (a) Location and description, including standard details, of all sediment control measures, runoff control measures, including diversions, waterways and outlets, and design specifics of sediment basins and traps including outlet details.
- (b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.
- (c) Location and description of methods to prevent tracking of sediment off-site including construction entrance details, as appropriate.
- (d) Description of dust and traffic control measures.
- (e) Locations of stockpiles and description of stabilization methods.
- (f) Location of off-site fill or borrow volumes, locations and methods of stabilization.
- (g) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.
- (h) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), installation of stormwater drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Administrator of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

40-7-28 DESIGN AND OPERATION STANDARDS AND REQUIREMENTS. The preparation of soil erosion and sediment control plans shall follow the principles outlined in the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control", excepting **Article VI** published by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts. The design criteria, standards, and methods shall be prepared in accordance with the requirements of this Article and the standards and specifications contained in "Illinois Urban Manual" prepared for the Illinois Environmental Protection Agency by the USDA Natural Resources Conservation Service, which standards and methods are hereby incorporated into this Article by reference. In the event of conflict between the provisions of said manuals and of this Article, this Article shall govern.

(A) **Erosion and Sediment Control Design Requirements.** New developments or redevelopments shall comply with **Section 40-7-27** and meet the following:

- (1) Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on-site.
- (2) Temporary on-site control measures required shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
- (3) Disturbed areas shall be stabilized with permanent measures within **seven (7) calendar days** following the end of active disturbance, or

re-disturbance consistent with the following criteria:

- (a) Appropriate permanent stabilization measures shall include seeding, mulching, sodding, with non-vegetative measures as a last resort.
 - (b) Areas having slopes greater than **twelve percent (12%)** shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.
- (4) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(B) **Temporary Erosion and Sediment Control Measures.** All temporary erosion and sediment control measures shall be disposed in a proper manner within **thirty (30) days** after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.

(C) **Site Development Requirements.** On-site sediment control measures, as specified by the following criteria, shall be constructed as specified in the referenced handbooks, and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

- (1) For new developments or redevelopments less than **one (1) acre**, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all on-site runoff. Vegetated filter strips, with a minimum width of **twenty-five (25) feet**, may be used as an alternative only where runoff, in sheet flow is expected.
- (2) For new developments or redevelopments more than **one (1) acre** but less than **five (5) acres**, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (3) For new developments or redevelopments greater than **five (5) acres**, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (4) Sediment basin and sediment trap designs shall provide for both "dry" detention and "wet" detention sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized as regulated in **Division VII Article III**. The release rate of the basin shall be that rate as regulated in **Division VII Article III**. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
- (5) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume or sediment generated in **one (1) year**. For construction periods exceeding **one (1) year**, the 1-year sediment load and a sediment removal schedule may be substituted.
- (6) The alteration of sinkholes by filling, grading or excavation is prohibited, including an area within **twenty-five (25) feet** from the rim.
- (7) To the extent possible or as otherwise regulated in this Article all desirable trees **eight (8) inches** in diameter and larger shall be protected for their present and future value for erosion protection and other environmental benefits. Trees that have been selected for preservation shall be marked prior to the beginning of any clearing, grading, stripping, excavation, or filling of the site. A "No" construction zone shall be established and marked at the perimeter of the drip line of each tree which is to be preserved.

(D) **Stormwater Conveyance Channels.** Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed as regulated in **Division VII Article III**. All constructed or modified channels shall be stabilized within **forty-eight (48) hours**, consistent with the following standards and as required in referenced handbooks:

- (1) For grades up to **four percent (4%)**, seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.
- (2) For grades of **four (4) to eight percent (8%)**, sod or an equivalent control measure shall be applied in the channel.
- (3) For grades greater than **eight percent (8%)**, rock, riprap, or an equivalent control measure shall be applied over filter fabric or other type of soil protection, or the grade shall be effectively reduced using drop structures.

(E) **Land Disturbance Activities.** Land disturbance activities in stream channels shall be avoided, where possible, or as regulated in **Article III**. If disturbance activities are unavoidable, the following requirements shall be met:

- (1) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
- (2) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within **forty-eight (48) hours** after channel disturbance is completed, interrupted, or stopped.
- (3) Whenever channel relocation is necessary, the new channel shall be constructed under dry conditions and fully stabilized before flow is diverted, incorporating meanders, pool and riffle sequence, and riparian planting.

(F) **Storm Sewer Inlets and Culverts.** Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

(G) **Soil Storage Piles.** Soil storage piles containing more than **ten (10) cubic yards** of material shall not be located with a downslope drainage length of less than **twenty-five (25) feet** to a roadway, drainage channel, or sinkhole. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

(H) **Dewatering Devices.** If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent and shall not be deposited into a sinkhole.

(I) **Graveled Entrance Roads.** Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

40-7-29 **MAINTENANCE OF CONTROL MEASURES.** All soil erosion and sediment control measures necessary to meet the requirements of this Article shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

40-7-30 - 40-7-34 **RESERVED.**

DIVISION V - LONG TERM MAINTENANCE RESPONSIBILITY

40-7-35 **LONG TERM MAINTENANCE RESPONSIBILITY.** Maintenance of stormwater drainage, and erosion and sediment control facilities located on private property shall be the responsibility of the owner of that property. Before an appropriate permit is obtained from the Village the applicant shall execute a maintenance agreement with the Village guaranteeing that the applicant and all future owners of the property will maintain its stormwater drainage and erosion and sediment control system. Such agreement shall be recorded with the Recorder of Deeds of St. Clair County. The maintenance agreement shall include a schedule for regular maintenance of each aspect of the property's stormwater drainage and erosion and sediment control system and shall provide for access to the system for inspection by authorized personnel of the Village. The maintenance agreement shall also stipulate that if the appropriate personnel of the Village notify the property owner in writing of maintenance problems which require correction, the property owner shall begin such corrections within **twenty-four (24) hours** and shall not extend beyond **seven (7) calendar days** of such notification. If the corrections are not made within this time period the Village may have the necessary work completed and assess the cost to the property owner. The Village has the option of requiring a bond to be filed by the property owner for maintenance of the stormwater drainage and erosion and sediment control system.

40-7-36 - 40-7-39 **RESERVED.**

DIVISION VI - INSPECTIONS

40-7-40 INSPECTIONS. The Administrator shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the stormwater drainage or erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Administrator shall be maintained at the site during progress of the work. In order to obtain inspections and to ensure compliance with this Article, the permittee shall notify the Administrator within **two (2) working days** of the completion of the construction stages specified below:

(A) Upon completion of installation of the stormwater drainage and erosion and sediment control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,

(B) After stripping and clearing,

(C) After rough grading,

(D) After final grading,

(E) After seeding and landscaping deadlines, and

(F) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within **five (5) working days** after notice is received by the Village from the permittee, the permittee may continue work at his/her own risk, without presuming acceptance by the Village. Notification of the results of the inspection shall be given in writing at the site.

40-7-41 SPECIAL PRECAUTIONS. If at any stage of the grading of any development site the Administrator determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Administrator may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Administrator may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

40-7-42 AMENDMENT OF PLANS. Major amendments to stormwater drainage and detention or erosion and sediment control plans shall be submitted to the Administrator and shall be processed and approved or disapproved in the same manner as the original plans. Field modification of a minor nature may be authorized by the Administrator by written authorization to the permittee.

40-7-43 - 40-7-44 RESERVED.

DIVISION VII - PERMITTING

40-7-45 APPLICATION FOR PERMIT. Application for a Development Permit shall be made by the owner of the property or his authorized agent to the Administrator on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site, the contractor(s) and any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

40-7-46 BOND REQUIRED. The applicant for a Development Permit may be required to file with the Village, a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the Village Attorney in an amount deemed sufficient by the Administrator to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

40-7-47 REVIEW AND APPROVAL. Each application for a Development Permit shall be reviewed and acted upon by the Administrator.

(A) The Administrator will review each application for a Development Permit to determine its conformance with the provisions of this **Division VII**. The Administrator may also refer any application to the St. Clair County Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within **thirty (30) days** after receiving an application, the Administrator shall in writing:

- (1) Approve the permit application if it is found to be in conformance with the provisions of this Article, and issue the permit;
- (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Article, and issue the permit subject to these conditions; or
- (3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

- (B) No Development Permit shall be issued for an intended development site unless:
- (1) The development, including but not limited to subdivision or planned unit development, has been approved by the Village where applicable, or
 - (2) such permit is accompanied by or combined with a valid building permit issued by the Village, or
 - (3) the proposed earth moving is coordinated with any overall development program previously approved by the Village for the area in which the site is situated; and
 - (4) all relevant federal and state permits have been received for the portion of the site subject to soil disturbance as noted in **Section 40-7-2**.

(C) Failure of the Administrator to act on an original or revised application within **thirty (30) days** of receipt shall authorize the applicant to proceed in accordance with the plans as filed and in compliance with the regulations contained herein, unless such time is extended by agreement between the Administrator and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Administrator.

40-7-48 EXPIRATION OF PERMIT. Every Development Permit shall expire and become null and void if the work authorized by such permit has not been commenced within **one**

hundred eighty (180) days, or if not completed by a date which shall be specified in the permit; except that the Administrator may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The Administrator may require modification of the erosion control plan to prevent any increase in erosion or off-site sediment runoff resulting from any extension.

40-7-49 **APPEALS.** The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Administrator to the Zoning Board of Appeals. Upon receipt of an appeal, the Zoning Board of Appeals shall schedule and hold a public hearing, after giving **fifteen (15) days** notice thereof. The Zoning Board of Appeals shall render a decision within **thirty (30) days** after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainage ways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation. The Zoning Board of Appeals shall submit its decision to the Board of Trustees. The Board of Trustees shall act on every appeal within **thirty (30) days** following the decision of the Zoning Board of Appeals. The Board of Trustees may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner they deem appropriate. In doing so, the Board of Trustees has all the power of the Administrator.

40-7-50 **RETENTION OF PLANS.** Plans, specifications, and reports for all site developments shall be retained in original form or on microfilm by the Administrator.

40-7-51 - 40-7-54 **RESERVED.**

(Ord. No. 1041; 12-19-07)

DIVISION VIII - ENFORCEMENT

40-7-55 STOP-WORK ORDER; REVOCATION OF PERMIT. In the event any person holding a Development Permit pursuant to this Article violates the terms of the permit, or carries on-site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Administrator may suspend or revoke the Development Permit. The Village shall have the right to abate any hazard that adversely affects the health or safety of its residents or the property of its residents within the Village. **(Ord. No. 1041; 12-19-07)**

(A) Suspension of a permit shall be by a written stop-work order issued by the Administrator and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Zoning Board of Appeals at which time the conditions of **Section 40-7-5** can be met.

(B) No Development Permit shall be revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (1) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- (2) The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least **five (5) days** prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Zoning Board of Appeals shall determine whether the permit shall be revoked.

40-7-56 VIOLATIONS AND PENALTIES. No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this Article. Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Article is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. In addition to any other penalty authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Article shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code. **(Ord. No. 1041; 12-19-07)**

APPENDIX C – DESIRABLE TREES NATIVE TO SOUTHWESTERN ILLINOIS

Alder, Speckled, *Alnus rugosa*
Ash, Blue, *Fraxinus quadrangulata*
Ash, Green, *Fraxinus pennsylvanica*
Ash, White, *Fraxinus americana*
Baldcypress, *Taxodium distichum*
Birch, River or Red, *Betula nigra*
Buckeye, Ohio or Fetid, *Aesculus glabra*
Butternut, *Juglans cinerea*
Catalpa, Northern or Western, *Catalpa speciosa*
Catalpa, Southern, *Catalpa bignonioides*
Cherry, Black, *Prunus serotina*
Cherry, Choke, *Prunus virginiana*
Chestnut, American, *Castanea dentate*
Coffeetree, Kentucky, *Gymnocladus dioica*
Crabapple, *Malus*
Dogwood, Flowering, *Cornus florida*
Elm, American, *Ulmus Americana*
Elm, Slippery or Red, *Ulmus rubra*
Hackberry, Common, *Celtis occidentalis*
Hackberry, Sugar, *Celtis laevigata*
Hawthorn, Cockspur, *Crataegus crus-galli*
Hawthorn, Dotted, *Crataegus punctata*
Hawthorn, Downy, *Crataegus mollis*
Hawthorn, Winter King, *Crataegus viridis* "Winter King"
Hickory, Bitternut, *Carya cordiformis*
Hickory, Kingnut, *Carya laciniosa*
Hickory, Mockernut, *Carya tomentosa*
Hickory, Overcup
Hickory, Pignut, *Carya glabra*
Hickory, Shagbark, *Carya ovata*
Hickory, Sweet Pignut, *Carya ovalis*
Hornbeam, American (Blue Beech), *Carpinus caroliniana*
Horsechestnut, Common, *Aesculus Hippocastanum*
Ironwood (Hophornbeam), *Ostrya virginiana*
Linden, American (Basswood), *Tilia americana*
Maple, Red or Swamp, *Acer rubrum*
Maple, Silver, *Acer saccharinum*
Maple, Sugar or Rock, *Acer saccharum*
Mulberry, Red, *Morus rubra*
Oak, Black, *Quercus velutina*
Oak, Blackjack, *Quercus marilandica*
Oak, Bur, *Quercus macrocarpa*
Oak, Cherrybark, *Quercus falcate* var. *pagodaefolia*
Oak, Chestnut, *Quercus prinus*
Oak, Chinkapin, *Quercus muehlenbergii*
Oak, Pin or Swamp, *Quercus palustris*
Oak, Post, *Quercus stellata*
Oak, Overcup, *Quercus lyrata*
Oak, Red, *Quercus rubra*
Oak, Schumard, *Quercus shumardii*
Oak, Shingle, *Quercus imbricaria*
Oak, Swamp Chestnut, *Quercus michauxii*

Oak, Swamp White, *Quercus bicolor*
Oak, White, *Quercus alba*
Pawpaw, Common, *Asimina triloba*
Pecan, *Carya illinoensis*
Persimmon, Common, *Diospyros virginiana*
Plum, Wild, *Prunus Americana*
Poplar, Cottonwood, *Populus deltoids*
Redbud, *Cercis canadensis*
Sassafras, Common, *Sassafras albidum*
Serviceberry, Shadblow, *Amelanchier arborea*
Sourgum (Black Tupelo), *Nyssa sylvatica*
Sweetgum, *Liquidambar styraciflua*
Sycamore, *Platanus occidentalis*
Tuliptree, *Liriodendron tulipifera*
Viburnum, Blackhaw, *Viburnum prunifolium*
Walnut, Black, *Juglans nigra*
Willow, Black, *Salix nigra*
Juniper, Eastern Redcedar, *Juniperus virginiana*
Pine, Eastern White, *Pinus strobus*

ARTICLE VIII - CONSTRUCTION CODES

DIVISION I - BUILDING CODE

40-8-1 INTERNATIONAL BUILDING CODE ADOPTION. The International Building Code, 2012, (IBC), published by the Industrial Code Council, Inc., as amended from time to time, is hereby adopted as the Building Code for the Village of Caseyville, Illinois. The scope of this Code covers all buildings, except detached one- and two-family dwellings and townhouses not more than **three (3) stories** in height. Every provision of the International Building Code, 2012, as amended from time to time, together with any insertions, additions, deletions, or modifications indicated below:

(A) Where any wording calls for "name of the jurisdiction," insert "Village of Caseyville, Illinois."

(B) Where any wording calls for "date of adoption of this Code," insert "February 6, 2019."

(C) Any reference to "building official" shall be construed to mean the Administrator.

(D) Any reference to "building permits" shall be construed to mean Initial Certificates of Code Compliance (**See Section 40-1-4**); any reference to "occupancy permits" shall be construed to mean Final Certificates of Code Compliance (**See Section 40-1-4**).

(E) If there is any conflict between the administrative provisions of the International Building Code, 2012 and the provisions of **Article I** of this Development Code, the provisions of **Article I** shall prevail.

(F) If there is any conflict between the substantive (non-administrative) provisions of the International Building Code, 2012 and the substantive provisions of this Development Code, the more stringent regulation shall prevail.

40-8-2 SITE MAINTENANCE – WASTE MATERIALS. In order to protect the health, safety and welfare of the job site; surrounding property and right-of-way during construction, the Building Permittee of every construction site shall supply approved container(s) for waste materials. The approved waste container(s) shall be on the construction site beginning with the first day of construction and shall remain on site during the entire construction period. The Building Permittee of every construction site shall be responsible for the removal of the approved container(s) when full, the replacement of full approved container(s) with empty approved container(s) and the removal of the approved container(s) upon completion of all construction activities on site.

Waste materials and approved containers shall be removed in a manner which prevents injury or damage to persons, adjoining properties and public rights-of-way.

The burning of waste materials on site is forbidden.

40-8-3 PLUMBING CODE ADOPTION. The 2014 Illinois State Plumbing Code, published by the Department of Public Health, State of Illinois, as amended from time to time, is hereby adopted as the Plumbing Code for the Village. Every provision of the Illinois State Plumbing Code is hereby made a part of this Development Code as if fully set out herein, except that any reference to "permits" shall be construed to mean Initial Certificates of Code Compliance. Applicable fees are set forth in **Section 40-1-18. (Ord. No. 1513; 10-21-15)**

40-8-4 ELECTRICAL CODE ADOPTION. The National Electrical Code, NEC 2011, published by the National Fire Protection Association, as amended from time to time, is hereby adopted as the Electrical Code for the Village of Caseyville. Every provision of the National Electrical Code, NEC 2011, as amended from time to time, is hereby made a part of this Development Code as if fully set out herein, except that any reference to "permits" shall be construed to mean Initial Certificates of Code Compliance. Applicable fees are set forth by a separate ordinance as amended from time to time.

40-8-5 **INTERNATIONAL RESIDENTIAL CODE 2012 (IRC).** The scope of this Code establishes minimum regulations for one- and two-family dwellings and townhouses up to **three (3) stories.**

40-8-6 **MECHANICAL CODE 2012 (IMC).** The scope of this Code establishes minimum regulations for mechanical systems using prescriptive and performance-related provisions.

40-8-7 **INTERNATIONAL FUEL GAS CODE 2012 (IFGC).** The scope of this Code addresses the design and installation of fuel gas systems and gas-fired appliances through requirements that emphasize performance.

40-8-8 **INTERNATIONAL ENERGY CONSERVATION CODE 2011 (IECC).** The scope of this Code establishes energy conservation through efficiency in envelope design, mechanical systems, lighting systems and the use of new materials and techniques. The IECC – 2009 was adopted by the State of Illinois as the State Energy Code enforceable throughout the entire state; per the enabling legislation adopting IECC – 2009, Illinois automatically adopts the latest edition of the IECC.

40-8-9 **ILLINOIS ACCESSIBILITY CODE (IAC).** The scope of this Code establishes minimum regulations and standards to provide accessibility to all public buildings and structures. Public being defined by the Code as all public and private buildings and structures open to the public. The State of Illinois has developed and adopted IAC as the accessibility code for the State of Illinois, as amended from time to time.

40-8-10 **ICC/NSSA STANDARD FOR THE DESIGN AND CONSTRUCTION OF STORM SHELTERS (ICC 500 - 2008).**

(A) **Scope.** The scope of this Code establishes the minimum standards for the design and construction of storm shelters within the Village. This Code was developed jointly by the International Code Council (ICC) and the National Storm Shelter Association (NSSA).

(B) **Bulk Area Regulations.**

(1) **Accessory Use and Structure.** Storm shelters are an accessory structure and an accessory use, designed and constructed to ICC – 500 – 2008: ICC/NCSA Standard for the Design and Construction of Storm Shelters. The structure is also subject to State of Illinois Statutes (**225 ILCS 305/2 to 305/40** and **325/1 to 325/49**) that requires that all plans, drawings and specifications for the design of new construction work, alteration, repair, expansion, addition or modification work shall be prepared by registered professional architects and engineers as certified by the State of Illinois and shall bear that architect’s or engineer’s signature and seal in accordance with Illinois State Statutes.

(2) **Setbacks.** A storm shelter shall meet all setback requirements of the Zone District in which it is to be located.

(Ord. No. 1513; 10-21-15)

ARTICLE IX - OCCUPANCY PERMIT

DIVISION I – ESTABLISHMENT OF OCCUPANCY PERMITS DIVISION

40-9-1 PURPOSE. The Village, concerned for the general welfare, health and safety of its residents hereby establishes an Occupancy Inspection and Permit. Any structure or dwelling unit that changes ownership or changes occupants shall be inspected and found to be in compliance with all appropriate codes and ordinances of the Village. These codes include but are not limited to the Zoning Code, Building Code, Plumbing Code, Electrical Code, and the Property Maintenance Code.

Dwelling units are inspected for occupancy under the Property Maintenance Code as well as, all other applicable codes and ordinances. Non-dwelling units are inspected for occupancy under all applicable codes and ordinances of the Village.

(A) Any residential property, structure, or dwelling unit that is rented, leased, or purchased after the effective date of this Code, shall not be occupied in whole, or in part, until an Occupancy Permit has been issued by the Administrator or his designated representative. Said Permit shall be required each time there is a change of owner(s), tenant(s), or occupant(s), of any residential property, structure, or dwelling unit. **(Ord. No. 1713; 07-19-17)**

(B) The owner/applicant will apply for a permit at the Village Hall. The application shall have the following information for the Village to proceed with inspections. At a minimum the following information shall be supplied:

- (1) Owner(s) name, address and driver's license number,
- (2) Owners day-time phone number,
- (3) Renter/lessee name, current address and driver's license number,
- (4) Names and relationship of all occupants,
- (5) Property address, Permanent Parcel ID Number of property to be inspected,
- (6) First inspection date and time, and
- (7) Additional inspections (if needed).

(C) If the property for which the Occupancy Permit is applied for has any water fees still owed the Village from previous occupants of said property those fees must be paid in full along with the Occupancy Permit fee. If the property for which the Occupancy Permit is being applied for has sewer service available and has not been connected, the sewer line must be connected and tap-on fees paid. No Occupancy Permit will be granted until these matters are taken care of and approved by the Superintendent of the Water/Sewer Department as well as approval from the Administrator. All decisions may be appealed to the Board of Trustees.

(D) No dwelling unit may be occupied by more than the maximum number of occupants as determined under the provision of the Property Maintenance Code, or by persons not specifically listed on the Occupancy Permit Application. Any person, firms, or corporations found to be in violation of this provision shall be subject to fines provided for in **Section 40-9-1(I)**. Each occupancy over the maximum number of occupants as determined under the provisions of the Property Maintenance Code shall constitute a separate violation and each day shall constitute a separate violation as set forth in **Section 40-9-1(I)**.

(E) The fee for the initial occupancy permit shall be **Seventy Five (\$75.00)** for each dwelling unit occupied and **Ten Dollars (\$10.00)** for re-issuance during a **twelve (12) month** period following the date of issuance of the inspection certificate. If an inspection certificate has been issued, then an occupant may move in on weekends and holidays when the department responsible for issuing occupancy permits, is closed. The occupant is required to then obtain the written permit **three (3) days** after the department is open. **(Ord. No. 1713; 07-19-17)**

(F) The failure of an Occupancy Permit inspection shall require the owner(s) to remove, replace, and/or repair any deficiencies noted by the Inspector.

(G) The failure of an Occupancy Permit inspection shall mean that the property **SHALL NOT BE OCCUPIED**, in any manner until such time as the property passes an Occupancy Permit inspection and a Certificate of Occupancy is issued.

(H) Should a property fail its first Occupancy Permit inspection and a subsequent inspection, no further inspections will be made until an additional inspection fee, as provided by ordinance is paid. Said ordinance providing the Schedule of Fees for the Village Planning and Zoning Department.

(I) Any person, firms, or corporations who violate, disobey, omit, neglect or refuse to comply with or who resist the enforcement of this Code, shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day a person, firm, or corporation is in violation of this Code, shall constitute a separate violation. **(Ord. No. 1041; 12-19-07)**

(J) Within the discretion of the Zoning Administrator, when a structure or dwelling unit has been damaged by fire, wind or other causes, or has become unsafe, unsanitary or otherwise not suitable for human habitation, so that life or health is immediately endangered by the occupation of the structure or dwelling, then the Zoning Administrator may revoke any occupancy permit for the structure or dwelling. Along with any such revocation, the Zoning Administrator shall issue a corrective action order which requires all persons to immediately vacate the structure or dwelling and requires corrective measures to make the structure or dwelling safe and fit for human habitation. A person aggrieved by the corrective action order may appeal to the Zoning Board of Appeals **(See Section 40-1-13)**, but while such appeal is pending, the corrective action order must be complied with or will result in separate violations of this Code. Unless an appeal has successfully been taken, failure to obey a corrective action order shall result in the imposition of penalties and/or court action, if necessary. **(See Section 40-1-8) (Ord. No. 1041; 12-19-07)**

40-9-2 - 40-9-4 RESERVED.

DIVISION II – PROPERTY MAINTENANCE CODE

40-9-5 PROPERTY MAINTENANCE CODE ADOPTION. The International Property Maintenance Code, 2000, published by the International Code Council, Inc. as amended from time to time, is hereby adopted as the Property Maintenance Code for the Village. Every provision of the International Property Maintenance Code, 2000, as amended from time to time, is hereby made a part of this Development Code as if fully set out herein, except that any reference to “permits” shall be construed to mean Initial Certificates of Code Compliance. Applicable fees are set forth in **Section 40-1-15.**

KEY LOCK BOX

40-9-6 KEY LOCK BOX That the following structure shall be equipped with key lock box at or near the main entrance or such other location required by the Fire Chief.

- (1) Commercial or industrial structure protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.
- (2) Multi-family residential structure that have restricted access through locked doors and have a common corridor for access to the living units;
- (3) Governmental structures and nursing care facilities.

(b) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and subject to this section shall have one year from the effective date of this section to have a key lock box installed and operational.

(c) The Fire Chief shall designate the type of key lock box system to be implemented within the district and shall have authority to require all structure to use the designated system.

(d) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

(e) The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.

(f) Any person who owns or operates a structure subject to this section shall be subject to a penalty of \$100 a day for each day a violation continues.

This ordinance shall be in force and effect from and after its passage approval and due publication.