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## CHAPTER 1: VILLAGE PRESIDENT

### SECTION:

- 1-1: Election, Term of Office
- 1-2: Duties
- 1-3: Designation of Duties
- 1-4: Bond; Oath; Salary
- 1-5: President Pro Tem

**1-1: ELECTION, TERM OF OFFICE:** The Village President shall be elected for a term of four (4) years, and he shall be the President of the Board of Trustees, as is provided by statute.

**1-2: DUTIES:** The President shall be the chief executive officer of the Village, and he shall perform all such duties as may be required of him by Statute or ordinance. He shall have supervision over all of the employees of the Village. He shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time.

**1-3: DESIGNATION OF DUTIES:** Whenever there is a question as to the respective powers or duties of any appointed officer of the Village, this shall be settled by the President; and he shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty.

**1-4: BOND; OATH; SALARY:** Before entering upon the duties of his office, the President shall give a bond with sureties to be approved by the Board of Trustees conditioned upon his faithful performance of his duties, in the sum of Ten Thousand Dollars (\$10,000). He shall take the oath of office as prescribed by Statute, and shall receive such compensation as may be set from time to time by the Board.

**1-5: PRESIDENT PRO TEM:** During the temporary absence or disability of the Village President, the Board of Trustees shall elect one of the members to act as President Pro Tem, who during the absence or disability of the President shall perform the duties pertaining to the office.

## CHAPTER 2: BOARD OF TRUSTEES

### SECTION:

#### Article I. General Provisions

- 2-1-1: Election, Functions
- 2-1-2: Oath; Salary
- 2-1-3: Meetings
- 2-1-4: President
- 2-1-5: Deciding Vote
- 2-1-6: Ordinances; Approval; Veto
- 2-1-7: Reconsideration; Passing Over Veto

#### Article II. Rules of Order

- 2-2-1: Order of Business
- 2-2-2: Rescinded Action
- 2-2-3: Resolutions
- 2-2-4: Addressing Meetings
- 2-2-5: Suspension of Rules
- 2-2-6: Robert's Rules of Order
- 2-2-7: Quorum
- 2-2-8: Committees
- 2-2-9: Disturbing Meetings
- 2-2-10: Meetings Open to the Public
- 2-2-11: Closed Sessions

## ARTICLE I. GENERAL PROVISIONS

**2-1-1: ELECTION; FUNCTIONS:** The Board of Trustees, consisting of six (6) members, shall be elected to the office for a four (4) year term, according to the method provided by Statute. This Board shall be the Legislative Department of the Village Government, and shall perform such duties and have such powers as may be delegated by Statute to it.

**2-1-2: OATH; SALARY:** The members of the Board of Trustees shall take the oath of office prescribed by Statute, and shall receive such compensation as may be provided by ordinance. No Board member's salary shall be raised except in accordance with State Statute.

**2-1-3: MEETINGS:** The Village Board shall hold its regular meetings in the Village Hall on the first Monday and the third Monday of each month at 7:30 P.M. CST, and the notice of such regular meeting shall be made at the beginning of the calendar year. (5 ILCS 120/2.03)

Any change in regular meeting schedules shall be published at least ten days prior to the change. (5 ILCS 120/2.03)

The meeting place of the said Board shall be at the Village Hall unless otherwise ordered by the Board.

Special meetings may be called by the President of the Village or any three (3) Trustees upon at least twenty-four (24) hour notice to all members and the President; provided, that if all of the Trustees are present at a special meeting, no notice of such meeting shall be necessary and such notice shall be deemed waived. Notice when given shall be served by the Village Clerk or Chief of Police.

**2-1-4: PRESIDENT:** The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees and at all times when the Board meets as a committee of the whole.

**2-1-5: DECIDING VOTE:** The Village President shall not vote on any ordinance, resolution or motion except (1) where the vote of the Trustees has resulted in a tie; (2) where one-half (1/2) of the trustees have voted in favor of an ordinance, resolution or motion even though there is not a tie vote, or where a vote greater than a majority of the corporate authorities is required. (65 ILCS 5/3.1-40-30) In these instances specified, the Village President shall vote. Noting in this Section shall deprive the President Pro Tem from voting in his capacity as Trustee, but he shall not be entitled to another vote in his capacity as President Pro Tem.

**2-1-6: ORDINANCES; APPROVAL, VETO:** All resolutions and motion (1) which create any liability against the Village, or (2) which provide for the expenditure or appropriation of its funds, or (3) to sell any Village property, and all ordinances passed by the Village Board shall be deposited with the Village Clerk. If the Village President approves of them, he shall sign them. Those of which he disapproves, he shall return to the Village Board, with his written objections, at the next regular meeting of the Village Board, not less than 5 days after passage. The Village President may disapprove of any one or more sums appropriated by any Ordinance, resolution or motion making an appropriation, and if so, the remainder shall be effective. However, the Village President may disapprove entirely of an Ordinance, Resolution or Motion making an appropriation. If the Village President fails to return any Ordinance or any specified Resolution with his written objections, within the designated time, it shall become effective despite the absence of his signature. (65 ILCS 6/3.1-40-45)

**2-1-7: RECONSIDERATION; PASSING OVER VETO:** Every Resolution and Motion specified in the preceding Section, and every ordinance, which is returned to the Board of Trustees by the Village President shall be reconsidered by the Board of Trustees. If, after such reconsideration, two-

thirds (2/3) of all the Trustees elected to the Village Board shall agree to pass an Ordinance, Resolution or Motion, notwithstanding the President's refusal to sign it, then it shall be effective. The vote on the question of passage over the President's veto shall be by yeas and nays, and shall be recorded in the journal. (65 ILCS 6/3.1-40-50)

## **ARTICLE II: RULES OF ORDER**

**2-2-1: ORDER OF BUSINESS:** The order of business of the Board of Trustees of the Village shall be as follows unless otherwise agreed to by a majority of the Board:

- Roll call.
- Reading minutes of previous meeting.
- Reports of standing committees.
- Reports of special committees.
- Special reports.
- Unfinished business.
- Claims, petitions, ordinances resolutions and miscellaneous business.
- Adjournment.

**2-2-2: RESCINDED ACTION:** No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by Statute.

**2-2-3: RESOLUTIONS:** Any resolutions submitted to the Board of Trustees shall be reduced to writing before being voted upon on request of any two (2) members of the Board.

**2-2-4: ADDRESSING MEETINGS:** Except for the public comment portion of any meeting, no person other than the President or a member of the Board shall address that body at any regular or special meeting except upon consent of a majority of the members present.

**2-2-5: SUSPENSION OF RULES:** The rules of order, other than those prescribed by Statute, may be suspended at any time by the consent of a majority of the members present at any time.

**2-2-6: ROBERT'S RULES OF ORDER:** Robert's Rules of Order shall govern the deliberations of the Board of Trustees except when in conflict with any of the foregoing rules.

**2-2-7: QUORUM:** A majority of the Trustees or three (3) Trustees and the Village President shall constitute a quorum to do business.

**2-2-8: COMMITTEES:** The following shall be the standing committees of the Board of Trustees:

- Water and Sewer

Buildings  
Streets and Alleys  
Finance  
Parks and Licenses  
Health  
Village Equipment  
Police  
Civil Defense

Special committees shall be created from time to time as directed by the Board of Trustees.

All standing and special committees shall consist of three (3) members each, including the Chairman; unless the Board shall otherwise direct.

**2-2-9: DISTURBING MEETINGS:** It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof. Any person violating the provisions of this Section shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

**2-2-10: MEETINGS OPEN TO THE PUBLIC:** All meetings of the Board of Trustees and its committees not otherwise authorized to be closed, shall be open to the public as provided by the Illinois Open Meetings Act.

**2-2-11: CLOSED SESSIONS:** To insure confidentiality, during closed and executive sessions of the Village Board or its committees, members of the press and general public will be required to leave the municipal building and exit to the outside until such time as the meeting is re-opened. Violation of this Ordinance will carry a fine of a minimum of One Hundred Dollars for the first offense and up to Five Hundred Dollars for each subsequent offense.



## CHAPTER 3: VILLAGE CLERK

### SECTION:

- 3-1: Appointment; Term
- 3-2: Bond
- 3-3: Signature
- 3-4: Money Collected
- 3-5: Accounts
- 3-6: Records
- 3-7: Seal
- 3-8: Documents
- 3-9: Indices
- 3-10: Additional Duties
- 3-11: Vacancies

**3-1: APPOINTMENT; TERM:** The Village Clerk shall be appointed by the Village President with the majority consent of the Board at the first meeting following any municipal election or the first meeting of May of any year where no municipal election was held. The Clerk shall serve a one (1) year term or until his successor is appointed and approved. The Clerk may also act and be compensated as Village Collector pursuant to Article IV of Chapter 4.

**3-2: BOND:** Before entering upon his duties of office, the Village Clerk shall execute a bond in such amount as is provided by Statute, conditioned upon the faithful performance of his duties.

**3-3: SIGNATURE:** The Village Clerk shall seal and attest all contracts of the Village and all licenses, permits and such other documents as shall require this formality.

**3-4: MONEY COLLECTED:** The Clerk shall turn over all money received by him on behalf of the Village to the Village Treasurer upon receipt of the same; and with such money he shall give a statement as to the source thereof.

**3-5: ACCOUNTS:** The Clerk shall keep accounts showing all money received by him and the source and disposition thereof, and such other accounts as may be required by Statute or Ordinance.

**3-6: RECORDS:** In addition to the record of Ordinances and other records which the Clerk is required by Statute to keep, he shall keep a register of all licenses and permits issued and the payments thereof, a record showing all of the officers and regular employees of the Village and such other records as may be required by the Village.

**3-7: SEAL:** The Clerk shall be the custodian of the Village Seal, and shall affix its impression on documents whenever this is required.

**3-8: DOCUMENTS:** The Clerk shall be the custodian of all documents belonging to the Village which are not assigned to the custody of some other officer.

**3-9: INDICES:** The Clerk shall keep and maintain a proper index to all documents and records kept by him, so that ready access thereto and use thereof may be had.

**3-10: ADDITIONAL DUTIES:**

In addition to all duties required to be performed by the Illinois Municipal Code, or as stated in other provisions of the Village code, the clerk shall perform the following duties:

(A) Collect all water and sewer charges, utility taxes, special taxes, and assessments levied within the corporate limits of the Village and deliver his or her receipts immediately to the Treasurer.

(B) Keep a record showing all money received by him or her, showing the source and purpose for which paid, and he or she shall keep his records in the manner required by the Board of Trustees.

**3-11: VACANCIES:** In case the office of Village Clerk shall become vacant for any reason, the President and Board of Trustees shall appoint a successor.

## **CHAPTER 4: OTHER APPOINTED OFFICERS**

### **SECTION:**

#### **Article I. Superintendent of Public Works**

- 4-1-1: Office Created
- 4-1-2: Streets
- 4-1-3: Waterworks
- 4-1-4: Buildings
- 4-1-5: Other Physical Property
- 4-1-6: Employees
- 4-1-7: Property

#### **Article II. Treasurer**

- 4-2-1: Appointment; Term
- 4-2-2: Bond
- 4-2-3: General Duties
- 4-2-4: Deposit of Funds
- 4-2-5: Records
- 4-2-6: Accounts
- 4-2-7: Reports
- 4-2-8: Special Assessment Fund
- 4-2-9: Warrants; Transfer of Funds

#### **Article III. Zoning Officer**

- 4-3-1: Creation of Office
- 4-3-2: Duties
- 4-3-3: Powers

#### **Article V. Corporation Counsel**

- 4-4-1: Creation; Appointment
- 4-4-2: Special Counsel
- 4-4-3: Suits and Actions
- 4-4-4: Judgments
- 4-4-5: Advice
- 4-4-6: Special Assessments
- 4-4-7: Legal Malpractice Insurance

## Article VI. General Provisions

- 4-5-1: Effect
- 4-5-2: Appointments
- 4-5-3: Terms of Office
- 4-5-4: Assignment of Duties
- 4-5-5: Records
- 4-5-6: Moneys Received
- 4-5-7: Oath
- 4-5-8: Bond
- 4-5-9: Salaries
- 4-5-10: Termination of Office
- 4-5-11: Impersonation
- 4-5-12: Interfering with Officers
- 4-5-13: Inspections by Village Officers

## Article VII. Illinois Municipal Retirement Fund

- 4-6-1: Village to Participate
- 4-6-2: Agent Appointed

## **ARTICLE I: SUPERINTENDENT OF PUBLIC WORKS**

**4-1-1: OFFICE CREATED:** There is hereby created the position of Superintendent of Public Works. The Superintendent of Public Works shall be appointed by the President by and with the advice and consent of the Board of Trustees.

**4-1-2: STREETS:** The Superintendent of Public Works shall have charge of the construction and care of all public streets, alleys and driveways in the Village, and with the keeping of the same clean. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

**4-1-3: WATERWORKS:** The Superintendent of Public Works shall have charge of the operation and maintenance of the Municipal water distribution system and sewage treatment system.

**4-1-4: BUILDINGS:** The Superintendent of Public Works shall have charge of the maintenance and repair of all Village-owned buildings.

**4-1-5: OTHER PHYSICAL PROPERTY:** All physical property of the Village which is not assigned by the Board to some other officer or employee shall be in the care and custody of the Superintendent of Public Works.

**4-1-6: EMPLOYEES:** All officers or employees assigned to the Department of Public Works shall perform their duties subject to the orders and under the supervision of the Superintendent of Public Works.

**4-1-7: PROPERTY:** The Superintendent of Public Works shall be the custodian of all property of the Village which is not assigned to the care or custody of any other officer.

## **ARTICLE II: TREASURER**

**4-2-1: APPOINTMENT; TERM:** The Village Treasurer shall be appointed, by the President by and with the advice and consent of the Board of Trustees, and shall serve for a four (4) year term and until his successor is qualified, as provided by Statute.

**4-2-2: BOND:** The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the Village of any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall be not less than ten percent (10%) of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding five (5) fiscal years nor less than one and one-half (1 ½) times the largest amount which the President and Board of Trustees estimate will be in his custody at any one time. Such bond shall be filed with the Clerk as required by Statute.

**4-2-3: GENERAL DUTIES:** The Treasurer shall perform such duties as may be prescribed for him by Statute or Ordinance. He shall receive all money paid to the Village, either directly from the person paying it or from the hands of such other officer as may receive it, and he shall pay out money only on vouchers or orders properly signed by the Village President and Village Clerk.

**4-2-4: DEPOSIT OF FUNDS:** He shall deposit the Village funds in such depositories as may be selected from time to time as is provided by law, and he shall keep the Village money separate and distinct from his own and shall not intermingle his own money with it or make private or personal use of the Village funds.

**4-2-5: RECORDS:** The Treasurer shall keep records showing all money received by him, the source from which it was received, and the purpose for which it was paid out; and he shall keep a record showing at all time the financial status of the Village.

**4-2-6: ACCOUNTS:** The Treasurer shall keep such books and accounts as may be required by the President and Board of Trustees and shall keep them in the manner required by the President and Board of Trustees.

**4-2-7: REPORTS:** The Treasurer shall make monthly reports to the President and Board of Trustees showing the state of finances of the Village, and the amounts received and spent during the month, which reports shall be filed. And he shall make an annual report after the close of the fiscal

year, as required by Statute with the total amount of all receipts and expenditures of the Village and his transactions as Treasurer during the preceding year.

**4-2-8: SPECIAL ASSESSMENT FUND:** All moneys received on any special assessment shall be held by the Treasurer as a special fund to be applied only to the payment of the improvement, or bonds and vouchers issued thereof, together with interest thereon, for which the assessment was made, and said money shall be used for no other purpose, unless to reimburse the Village for money expended for such improvements. Payment on bonds or vouchers shall be made in accordance with the Statutes and the law and the Treasurer shall keep his books and accounts in such a manner so that proper proration's in payments of principal and interest can be made and ascertained.

**4-2-9: WARRANTS; TRANSFER OF FUNDS:** All warrants drawn on the Treasurer must be signed by the President and countersigned by the Clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid except as may be provided by Statute. Money shall not be transferred by the Treasurer from one fund to another, after it has been received by him, nor appropriated to any other purpose than that for which has been collected or paid, except as may be ordered by the President and Board of Trustees in manner and form prescribed by Statute.

### **ARTICLE III. ZONING OFFICER**

**4-3-1: CREATION OF OFFICE:** There is hereby created the office of Zoning Enforcing Officer who shall be appointed by the President by and with the advice and consent of the Board of Trustees.

**4-3-2: DUTIES:** It shall be the duty of the Zoning Enforcing Officer to enforce all the provisions of the zoning ordinance and amendments thereto. He shall perform such additional duties as may be assigned to him by the President and Board of Trustees.

**4-3-3: POWERS:** He shall have the powers and exercise the functions necessary for such enforcement which are delegated to him by Statute or otherwise.

### **ARTICLE IV: CORPORATION COUNSEL**

**4-4-1: CREATION; APPOINTMENT:** There is hereby created the office of Corporation Counsel, an executive office of the Village. The Corporation Counsel shall be appointed by the President and the Board of Trustees.

**4-4-2: SPECIAL COUNSEL:** The President, with the consent of the Board of Trustees, may from time to time retain an attorney to represent or advise the Village on legal matters. If no Corporation Counsel has been appointed; and he may likewise retain special counsel to advise or represent the Village on special matters, matters for which Corporation Counsel has a conflict of interest, or assist the Corporation Counsel.

**4-4-3: SUITS AND ACTIONS:** The Corporation Counsel shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Village on behalf of the Village or in the capacity of such person as an officer of the Village.

**4-4-4: JUDGMENTS:** It shall be the duty of the Corporation Counsel to see to the full enforcement of all judgments or decrees entered or rendered in favor of the Village, and of all similar interlocutory orders.

**4-4-5: ADVICE:** The Corporation Counsel shall be the legal advisor of the Village, and shall render advice on all legal questions affecting it, whether requested so to do by any Village official. Upon request by the President of the Board, he shall reduce such opinion in writing.

**4-4-6: SPECIAL ASSESSMENTS:** It shall be the duty of the Corporation Counsel to see to the completion of all special assessment proceedings and condemnation proceedings.

**4-4-7: LEGAL MALPRACTICE INSURANCE:** Corporation Counsel shall be required to carry a minimum of \$500,000 in legal malpractice insurance from a qualified carrier.

## **ARTICLE V GENERAL PROVISIONS**

**4-5-1 EFFECT:** The provisions of this Chapter shall apply alike to all officers or employees of the Village, regardless of the time of the creation of the office or of the time of the appointment of the officer.

**4-5-2: APPOINTMENTS:** The President and Board of Trustees shall make appointments to fill all appointive offices; employees shall be selected by the President.

**4-5-3: TERMS OF OFFICE:** Where the term of office is not otherwise fixed, every appointive officer or employee of the Village shall hold office until his successor is appointed and qualified. Employees selected shall serve so long as their services desired.

**4-5-4: ASSIGNMENT OF DUTIES:** The President shall have power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer, and shall determine disputes or questions relating to the respective powers or duties of officers.

**4-5-5: RECORDS:** All records kept by any officer of the Village shall be open to inspection by the President, or any member of the Board at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

**4-5-6: MONEYS RECEIVED:** Every officer and employee of the Village shall at least once each week turn over all moneys received by him in his official capacity to the Treasurer with a statement showing the source from which the same was received.

**4-5-7: OATH:** Every officer of the Village shall, if required by the Board, before entering upon his duties, take and subscribe the oath prescribed by section 3-14-3 of the Illinois Municipal Code.

**4-5-8: BOND:** Every officer and employee shall, if required by the Board, before entering upon the duties of his office, give a bond in such amount as may be determined by the Board and with such sureties as it may approve, conditioned upon the faithful performance of the duties of his office or position.

**4-5-9: SALARIES:** All officers and employees of the Village shall receive such salaries as may be provided from time to time by the Village Board of Trustees. No officer or employee receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him.

**4-5-10: TERMINATION OF OFFICE:** Every officer of the Village upon the termination of his office, for any cause whatsoever, shall deliver to the successor all books, records and computer data or storage disks which may be the property of the Village and if no successor has been appointed within one week after the termination of office, such property shall be delivered to the Clerk or to the Treasurer.

**4-5-11: IMPERSONATION:** It shall be unlawful for any person to impersonate without lawful authority any Village officer or employee.

**4-5-12: INTERFERING WITH OFFICERS:** It shall be unlawful to interfere with or hinder any officer or employee of the Village while engaged in the duties of his office.

**4-5-13: INSPECTIONS BY VILLAGE OFFICERS:** Any officer or employee of the Village who is authorized to enforce ordinances may make such inspections as may be necessary to see to the enforcement of such ordinances.

## **ARTICLE VI. ILLINOIS MUNICIPAL RETIREMENT FUND**

**4-6-1: VILLAGE TO PARTICIPATE:** The Board of Trustees of the Village does hereby elect that said Village participate in the Illinois Municipal Retirement Fund, effective January 1, 1975.

**4-6-2: AGENT APPOINTED:** The Clerk shall be the duly appointed and designated agent authorized to act for the Village in all or any matters pertaining to the Illinois Municipal Retirement Fund Act.



## **CHAPTER 5: BOARDS AND COMMISSIONS**

### **SECTION:**

#### **Article I. Board of Local Improvements**

##### **5-1-1: Appointments**

##### **5-1-2: General Duties**

#### **Article II. Local Emergency Services and Disaster Agency**

##### **5-2-1: Establishment**

##### **5-2-2: Coordinator**

##### **5-2-3: Functions**

##### **5-2-4: Service as Mobile Support Team**

### **ARTICLE I: BOARD OF LOCAL IMPROVEMENTS**

**5-1-1: APPOINTMENTS:** There is hereby established a Board of Local Improvements for the Village, which shall consist of the President of the Village, who shall be the President of the Board of Local Improvements, and all of the members of the Board of Trustees of the Village. The President with the approval of the members of the Board of Local Improvements shall appoint a member of said Board to serve as Clerk.

**5-1-2: GENERAL DUTIES:** The Board of Local Improvements shall have the powers and perform the duties assigned to it by Statute or provision of this Code, and shall have the power of employing the services of an engineer for any local improvement originated by it.

### **ARTICLE II: LOCAL EMERGENCY SERVICES AND DISASTER AGENCY**

**5-2-1: ESTABLISHMENT:** There is hereby created the local ESDA to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or man-made disaster, in accordance with “The Illinois Emergency Services and Disaster Act of 1975.”

This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

**5-2-2: COORDINATOR:** The Coordinator of the Municipal ESDA shall be appointed by the Village President and shall serve until removed by same.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the President as provided by Statute.

In the event of the absence, resignation, death or inability to serve as the Coordinator, the Village President or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Ordinance.

**5-2-3: FUNCTIONS:** The Municipal ESDA shall perform such functions within the Municipality as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided in “The State ESDA Act of 1975.”

**5-2-4: SERVICE AS MOBILE SUPPORT TEAM:** All or any members of the Municipal ESDA organization may be designated as members of a Mobile Support Team created by the Director of the State ESDA as provided by law.

The leader of such Mobile Support Team shall be designated by the Coordinator of the Municipal ESDA organization.

Any member of a Mobile Support Team, who is a Municipal employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Municipality, while so serving, shall receive from the State reasonable compensation as provided by law.

## CHAPTER 6: POLICE DEPARTMENT

### SECTION:

- 6-1: Creation of Department
- 6-2: Office of Chief Created
- 6-3: Duties of the Chief
- 6-4: Duties
- 6-5: Serving Process
- 6-6: Conduct of Members
- 6-7: Witness Fee
- 6-8: Rules and Regulations
- 6-9: Auxiliary Police
- 6-10: Stolen Property, Custody of
- 6-11: Aiding Police
- 6-12: Resisting Arrest; Hindering Police; Aiding Escape
- 6-13: Criminal History Record Information Preparation Fee
- 6-14: Part-Time Police

**6-1: CREATION OF DEPARTMENT:** There is hereby created a Police Department, an executive department of the Village. The Police Department shall consist of the Chief of Police and of such other members as may be provided from time to time by the President and Board of Trustees.

**6-2: OFFICE OF CHIEF CREATED:** There is hereby created the office of Chief of Police. The Chief of Police shall be appointed by the President by and with the advice and consent of the Board of Trustees, and he shall be ex-officio Village Marshall and Superintendent of Police.

**6-3: DUTIES OF THE CHIEF:** The Chief of Police shall keep such records and make such reports concerning the activities of his department as may be required by Statute or by the President and Board of Trustees. The Chief shall be responsible for the performance of the Police Department, in all of its functions, and all persons who are members of the Department shall serve subject to the orders of the Chief of Police.

**6-4: DUTIES:** It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the Village and all Statutes applicable herein; and to preserve order and prevent infractions of the law, and arrest violators thereof.

**6-5: SERVING PROCESS:** No member of the Police Department except the Chief shall serve and process except on command of his superior.

**6-6: CONDUCT OF MEMBERS:** It shall be the duty of every member of the Police Department to conduct himself, or herself, in a proper and law-abiding manner at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his superior.

**6-7: WITNESS FEE:** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any State or Federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the Village is a party; and fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the Village Treasurer.

**6-8: RULES AND REGULATIONS:** The Chief of Police may make or prescribe such rules and regulations for the hours of duty, vacations, uniforms and conduct of the members of the Police Department as he shall deem advisable, and such rules, when approved by the President and Board of Trustees, shall be binding on such members.

**6-9: AUXILIARY POLICE:** The President of the Board of Trustees of the Village, with the advice and consent of the Village Board, may appoint auxiliary policemen in such number as the corporate authorities shall from time to time deem necessary. Such auxiliary policemen shall not be members of the regular Police Department of the Village. No such auxiliary policeman shall be entitled to compensation from the Village nor shall such auxiliary policeman be considered as an employee of the Village by reason of such appointment. Such auxiliary policemen shall not supplant members of the regular Police department of the Village in the performance of their assigned and normal duties, except as otherwise provided here. Such auxiliary police members shall only be assigned to perform the following duties in the Village: to aid or direct traffic within the Municipality, to aid in control of natural or man-made disasters, to aid in case of civil disorder as directed by the Chief of Police; provided, that in cases which render it impractical for members of the regular Chief of Police to perform such normal and regular police duties, the Chief of Police of the regular Police Department is hereby authorized to assign auxiliary policemen to perform such normal and regular police duties. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by members of the regular Police Department. Such auxiliary policeman shall at all times during the performance of their duties be subject to the direction and control of the Chief of Police. Such auxiliary police shall not carry firearms, except with the permission of the Chief of Police, and while in uniform and in the performance of their duties. Auxiliary policemen, prior to entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures as shall be appropriate in the exercise of the powers conferred upon them. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude.

**6-10: STOLEN PROPERTY, CUSTODY OF:** The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the Village.

**6-11: AIDING POLICE:** Any police officer of the Village may, at any time, call upon any able-bodied male person, above the age of twenty-one (21) years, to aid him in arresting or taking into

custody any person guilty of having committed any unlawful act, or charged therewith, or aid such officer in preventing the commission of any unlawful act. It shall be unlawful to refuse or neglect to give such aid or assistance, when so requested.

**6-12: RESISTING ARREST; HINDERING POLICE; AIDING ESCAPE:** It shall be unlawful for any person to resist any member of the police force in the discharge of his duty, or to in any way interfere with or prevent him from discharging his duty, or endeavor so to do; and in any manner to assist any person in the custody of any member of the police force to escape or attempt to escape from such custody.

**6-13: CRIMINAL HISTORY RECORD INFORMATION PREPARATION FEE:** A fee of ten dollars (\$10.00) for the preparation and processing of an individual criminal history record shall be paid to the Village at the time an individual applies for a copy of his or her criminal history record.

#### **6-14: PART-TIME POLICE**

(A) **APPOINTMENT:** The Village may appoint, discipline, and discharge part-time police officers. All part-time police officers shall meet the following criteria:

1. Be at least 21 years of age.
2. Possess and maintain at all times a valid Illinois Driver's License.
3. Not otherwise be disqualified for appointment as a full-time officer by any statute of the State of Illinois.

(B) **POWERS AND DUTIES:** All part-time police officers shall have the power (i) 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, (ii) to commit arrested persons for examination, (iii) 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 (iv) to exercise all other powers as conservators of the peace.

(C) **SCOPE OF RESPONSIBILITY:** Part-time police officers shall be members of the regular police department, except for pension purposes. Part-time police officers shall not be assigned under any circumstances to supervise or direct full-time police officers of a police department. Part-time police officers shall not be used as permanent replacements for permanent full-time police officers.

(D) **TRAINING:** Part-time police officers shall be trained under the Intergovernmental Law Enforcement Officer's In-Service Training Act in accordance with the procedures for part-time police officers established by the Illinois Law Enforcement Training Standards Board. A part-time police officer hired after January 1, 1996 who has not yet received certification under Section 8.2 of the Illinois Police Training Act shall be directly supervised.

(E) HOURS: The number of hours any part time officer may work within a week are restricted to 32.

*(Ordinance 5-21-12, 2012)*

## **CHAPTER 7: GENERAL VILLAGE GOVERNMENT**

### **SECTION:**

#### **Article I. Contracts**

- 7-1-1: Equal Employment Opportunity
- 7-1-2: Enactment, Publication of Proceedings
- 7-1-3: Provisions Included in Contracts
- 7-1-4: Contract Defined
- 7-1-5: Subcontract Defined

#### **Article II. House Numbering**

- 7-2-1: House Numbering Required
- 7-2-2: Numbering New Districts and Additions
- 7-2-3: Chart
- 7-2-4: Numbers on Houses

#### **Article III. Village Parks**

- 7-3-1: Requirements Concerning Use of Grounds and Facilities
- 7-3-2: Prohibited Acts
- 7-3-3: Hours of Operation
- 7-3-4: Group Activity
- 7-3-5: Picnic Areas and Use
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#### **Article IV. Subdivisions**

- 7-4-1: Compliance Required
- 7-4-2: Definitions
- 7-4-3: Procedure
- 7-4-4: Agreements as to Improvements
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- 7-4-7: Plats and Data
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## Article V. Village Plan

- 7-5-1: Establishment

## Article VI. Other Provisions

- 7-6-1: Seal Established
- 7-6-2: Fiscal Year
- 7-6-3: Injury to Public Property
- 7-6-4: Surety Bonds
- 7-6-5: Bills; Payroll
- 7-6-6: Contracts
- 7-6-7: Audit

## Article VII. Local Government Travel Control Act Policy

- 7-7-1: Definitions
- 7-7-2: Permissible Reimbursable Travel Expenses
- 7-7-3: Maximum Allowable Reimbursement
- 7-7-4: Standardized Form for Submission of Expenses
- 7-7-5: Reimbursement for Entertainment Expenses Prohibited
- 7-7-6: Board of Trustees Travel Expenses

## **ARTICLE I: CONTRACTS**

**7-1-1: EQUAL EMPLOYMENT OPPORTUNITY:** As to all public contracts entered into between the Village of Hopedale, a municipal corporation, and a contractor, the following provisions, which are herein referred to as “Equal Employment Opportunity Clause,” shall be incorporated:

### **EQUAL EMPLOYMENT OPPORTUNITY**

In the event of the contractor’s noncompliance with any provisions of this Equal Employment Opportunity Clause, the Illinois Fair Employment Practices Act or the Fair Employment practices Commission’s Rules and Regulations for Public Contracts, the contractor may be declared non-responsible and therefore ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contracts may be canceled or avoided in whole or in part, and such 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:

That it will not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, disability, national origin or ancestry; and further, that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.

That, if it hires additional employees in order to perform this contract, or any portion hereof, it will determine the availability (in accordance with the Commission's Rules and Regulations for Public Contracts) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.

That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, age, religion, sex, disability, national origin or ancestry.

That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Illinois Fair Employment Practices Commission and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.

That it will submit reports as required by the Illinois Fair Employment Practices Commission's Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Commission or the contracting agency, and in all respects comply with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.

That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Illinois Fair Employment Practices Commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.

That it will include verbatim or by reference the provisions of paragraphs (A) through (G) of this clause in every performance subcontract as defined in Section 2.10(b) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor, and that it will also so include the provisions of paragraphs (A), (E), (F) and (G) in every supply subcontract as defined in Section 2.10(a) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such 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 all its subcontractors; and further, it will comply therewith. In addition, no contractor will utilize any subcontractor declared by the Commission to be non-responsible and therefore ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

**7-1-2: ENACTMENT, PUBLICATION OF PROCEEDINGS:** Should any public contract entered into between the Village of Hopedale and a contractor fail to have such provisions specifically incorporated into such contract either by having them set forth in full or having them incorporated by reference, such provisions shall nevertheless be deemed to be included within said contract by this Ordinance. Any person contracting with the Village of Hopedale shall be deemed to have notice of this Ordinance and of its contents by virtue of the enactment and publication of this Ordinance.

**7-1-3: PROVISIONS INCLUDED IN CONTRACTS:** Direction is given to all officers and persons authorized, or who may hereafter be authorized, to enter into public contracts for the Village to include the aforementioned provisions that have heretofore been designated as “Equal Employment Opportunity Clause” in any public contract entered into by the Village either verbatim or by reference.

**7-1-4: CONTRACT DEFINED:** For the purposes of this Ordinance, the term “contract” shall be defined by the Rules and Regulations of the Illinois Fair Employment Practices Commission and Section 2.4 of said Rules and Regulations define “contract” as follows:

“Section 2.4: The term ‘contract’ means any contract, purchase order, lease of other agreement or understanding, written or otherwise, between the State of Illinois, any of its political subdivisions or municipal corporations or any agent thereof and any other person, for the procurement of anything or service at value, such as for example any real or personal property, equipment, merchandise, goods, materials, labor or services for or by the State, such political subdivisions or municipal corporation; and further means any loan or grant by the State of Illinois, any of its political subdivisions or municipal corporations from which such a contract, purchase order, lease or other agreement or understanding may be financed in whole or in part.”

**7-1-5: SUBCONTRACT DEFINED:** For the purposes of this Ordinance, the term “subcontract” shall be as defined by the Rules and Regulations of the Illinois Fair Employment Practices Commission, and Section 2.10 of said Rules and Regulations define “subcontract” as follows:

“Section 2.4: The term ‘contract’ means any contract, purchase order, lease of other agreement or understanding, written or otherwise, between the State of Illinois, any of its political subdivisions or municipal corporations or any agent thereof and any other person, for the procurement of anything or service at value, such as for example any real or personal property, equipment, merchandise, goods, materials, labor or services for or by the State, such political subdivisions or municipal corporation; and further means any loan or grant by the State of Illinois, any of its political subdivisions or municipal corporations from which such a contract, purchase order, lease or other agreement or understanding may be financed in whole or in part.”

**7-1-5: SUBCONTRACT DEFINED:** For the purposes of this Ordinance, the term “subcontract” shall be as defined by the Rules and Regulations of the Illinois Fair Employment Practices Commission, and Section 2.10 of said Rules and Regulations define “subcontract” as follows:

“Section 2.10. The term ‘subcontract’ means any agreement, arrangement or understanding, written or otherwise, between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(A) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is utilized in the performance of any one or more contract; or

(B) Under which any portion of the contractor’s obligation under any one or more contracts is performed, undertaken or assumed.”

## **ARTICLE II: HOUSE NUMBERING**

**7-2-1: HOUSE NUMBERING REQUIRED:** All lots, buildings and structures in the Village shall be numbered in accordance with the following plan:

Main Street shall be the base for east and west numbers and Railroad/Lincoln Streets shall be the base for north and south numbers. There shall be one number for each twenty-five (25’) of frontage; odd numbers shall be on the south and east sides of the streets.

Assignment of numbers: One whole number shall be allowed for each lot.

**7-2-2: NUMBERING NEW DISTRICTS AND ADDITIONS:** The numbering for any new additions to the Village shall be made in accordance with the plan herein before set forth.

**7-2-3: CHART:** The Village Clerk shall keep a chart showing the proper street number of every lot in the Village which chart shall be open for inspection by anyone interested therein.

**7-2-4: NUMBERS ON HOUSES:** It shall be the duty of the owner and occupant of every house in the Village to have placed thereon, in a place visible from the street, figures three inches (3”) high showing the number of that house; any person, firm or corporation failing to number any house owned or occupied by him or if after receiving notice so to do from the Village Clerk shall fail so to do, shall be fined in accordance with general penalty provisions of this Code for every day on which the failure to so number continues.

## **ARTICLE III: VILLAGE PARKS**

**7-3-1: REQUIREMENTS CONCERNING USE OF GROUNDS AND FACILITIES:** Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

**7-3-2: PROHIBITED ACTS:** It shall be unlawful for any person, firm or corporation using such parks to either perform or permit to be performed any of the following acts:

(A) Willfully mark, deface, disfigure, injure, tamper with or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, or park property or appurtenances whatsoever either real or personal.

(B) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(C) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and property disposed of elsewhere.

(D) Engage in any conduct intended to breach the peace and alarm or disturb another person.

(E) Endanger the safety of any person by any conduct or act.

(F) Commit any assault, battery or engage in fighting.

(G) Carry, possess or drink any alcoholic liquor in any park.

**7-3-3: HOURS OF OPERATION:** The parks shall be open daily to the public during the hours from 5:00 A.M. to 10:00 P.M. of any day and it shall be unlawful for any person, or persons (other than the Village personnel conducting Village business therein), to occupy or be present in said parks during the hours in which the parks are not open to the public.

The parks shall remain open later than 10:00 P.M. pursuant to prior approval of the Board of Trustees of the Village in certain designated areas when special events are being held in the said area.

Any section or part of any park may be declared closed to the public by the Board of Trustees of the Village at any time and for any interval of time, either temporarily at regularly stated intervals.

**7-3-4: GROUP ACTIVITY:** Whenever any group, association, or organization desires to use said park facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain permission from the Board of Trustees of the Village.

**7-3-5: PICNIC AREAS AND USE:** No person, without prior approval of the Board of Trustees, shall use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics or other activities to the exclusion of other persons, nor shall any person use such area or facilities for an unreasonable time if the facilities are crowded.

**7-3-6: OTHER REGULATIONS:**

(A) Automobiles: It shall be unlawful to drive or park any automobile except on a street, driveway or parking lot in any park; or to park or leave any such vehicle in any place other than one established for public parking.

(B) Animals: It shall be unlawful to bring any dangerous animal to any park, and it shall be unlawful to permit any dog to be in any park unless such dog is on a leash not more than six feet (6') long.

(C) Signs: It shall be unlawful for anyone to paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent thereto. Provided, that these provisions shall not apply to any properly authorized government official in pursuit of any official duty.

## **ARTICLE IV: SUBDIVISIONS**

**7-4-1: COMPLIANCE REQUIRED:** No plat of subdivisions of land within the corporate limits of the Village of Hopedale, Tazewell County, Illinois, shall be approved excepting in full compliance with the provisions of this Article.

**7-4-2: DEFINITIONS:** When used in this Article, the following terms shall have the meaning indicated:

**OWNER:** Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of any of them.

**SUB-DIVIDER:** An owner who presents a subdivision plat for approval thereunder.

**SUBDIVISION:** Any divisions of any lot, area or tract of land into two (2) or more lots for the purpose, whether immediate or future, of conveyance, transfer, improvement or sale, with the appurtenant streets, alleys and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or sub-dividers within the part, lot, area or tract divided, except that divisions exempted from the provisions of an Act of the Illinois Legislature entitled, "An Act to Revise the Law in Relation to Plats, approved March 21, 1974, as amended," as set forth in Section 1 (b) thereof are not deemed subdivisions for purposes of this Article.

**PRELIMINARY PLAT:** A map or plan of a proposed land division or subdivision.

**TENTATIVE APPROVAL:** An approval with or without recommended alterations given to a preliminary plat by the Village Board, and provides the necessary authority to proceed with the preparation and presentation of the final plat.

**FINAL PLAT:** A map or chart of a subdivision which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

**STREET:** A public or private thoroughfare which affords primary access by pedestrians and vehicles to abutting property.

**MAJOR STREET:** A public thoroughfare with a high degree of traffic continuity established by the thoroughfare plan in the official plan of the Village.

**COLLECTOR STREET:** A street which carries traffic from minor streets to the major street system, including the principal entrance streets of residence development and the primary circulating streets within such a development.

**CUL-DE-SAC:** A minor street having one open end and being terminated at the other by a vehicular turnaround.

**BUILDING SET-BACK LINE:** A line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.

**ALLEY:** A public way which affords a secondary means of access to abutting property.

**CROSSWALK:** A public or private right of way across a block to be used by pedestrians and/or for underground utilities.

**EASEMENT:** The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

**7-4-3: PROCEDURE:** Before dividing any tract of land into two (2) or more lots of less than five (5) acres in size, a sub-divider shall:

(A) Cause to be prepared a preliminary plat together with improvement plans and other supplementary material as specified in subsection (G) of this Section. Six (6) copies of the preliminary plat shall be filed with the Village Board.

(B) Following review of the preliminary plat and accompanying supplement materials and negotiations with the sub-divider on changes deemed advisable and the kind and extent of improvements to be made by the sub-divider, the Village Board shall express its conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons in writing and deliver a copy of such reasons to the sub-divider.

(C) The action of the Village Board and Village Engineer shall be noted on two (2) copies of the preliminary plat, to which shall be attached any conditions required. One copy shall be returned to the sub-divider and the other retained by the Village Board.

(D) Conditional approval of the preliminary plat shall be construed to be an expression of approval of the general layout submitted as a guide to the preparation of the final plat and to be assurance to the sub-divider that the final plat will be approved if it conforms to the terms of the conditionally approved preliminary plat.

(E) Not later than one year after conditional approval of the preliminary plat, or such additional time as the Planning Commission may allow, the sub-divider may submit an intended plat of the subdivision and two (2) reproductions thereof the Village Board.

(F) The final plat shall conform to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the sub-divider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this Article.

If conditional approval has not been obtained, a sub-divider may file five (5) copies of an intended plat and all required supplementary material as specified, with the Village Clerk, for distribution to the Village Board.

Within sixty (60) days after receipt of plats and supplementary material, the Village Engineer shall inform the sub-divider that the plans and data as submitted or as modified do or do not meet the requirements of this Article. When the plans and data do not meet such requirements, the Village Engineer shall state the reasons in writing and deliver a copy to the sub-divider.

Final approval of the final plat shall be granted by the Village Board on the basis of its conformity with a preliminary plat as approved, and with all pertinent laws, rules, regulations and particularly with the technical requirements of Sections 7-4-6 and 7-4-7 of this Article and with the plan, or conforms with the existing subdivision.

In the event only a portion of an approved preliminary plat is presented for final approval, the Village Board may notify the sub-divider in writing whether or not the preliminary approval of the unrecorded portion has been renewed for one year. In the absence of such written notification, the sub-divider may, within one year after conditional approval of the preliminary plat, apply to the Village Board for extension of the conditional approval of the preliminary plat without being required to pay additional fees.

Within sixty (60) days after approval of the final plat by the Village Board, said plat shall be filed by the sub-divider with the County Recorder, and if not so filed, shall have no validity and shall not be recorded without re-certification by the Village Board. All plats (original tracings of said plats) after being recorded shall become the property of the County.

At the time the first application for preliminary or final approval is presented, the sub-divider shall pay a plat review fee.

In order to conserve time, effort and expense, the sub-divider may consult with the Village Board prior to the preparation of the tentative plan of the subdivision. Requirements for streets; shopping centers; community facilities; sanitation, water supply and drainage; and relationship to other developments, existing and proposed, in the vicinity, shall be analyzed in advance of the preparation of the preliminary plat.

**7-4-4: AGREEMENTS AS TO IMPROVEMENTS:** The final plat to be placed on record shall be accompanied by a statement signed by the owner and sub-divider, setting forth the following:

Plans and specifications for such improvements previously approved by the Village Engineer clearly describing same.

Agreement executed by the owner and sub-divider wherein they agree to make and install the improvements provided for in Section 7-4-6 herein, in accordance with the plans and specifications accompanying the final plat; and that all such improvements shall be inspected during the course of construction by an inspector appointed by the Village Board, salaries and other costs in connection with such inspections to be paid by the owner and sub-divider, such costs to be based on the reasonable, customary charges for such service.

In the event that the Village Board, by motion, approves the final plat, it shall withhold its approval of the plat until an agreement signed by the sub-divider, as provided in subsection (B) above, shall be given, supported by a bond executed by an acceptable surety company in an amount equal to the estimated cost of construction of the required improvements (which estimated cost shall be determined by the Village Engineer). The surety will be subject to the condition that the improvements will be completed within two (2) years after approval of the final plat. As an alternative, the sub-divider may deposit cash with the Village in place of said surety bond.

**7-4-5: DESIGN STANDARDS:** The following standards and principles of design shall guide the laying out of subdivisions:

General: The design of the subdivision shall be in harmony with and shall conform with the plan or existing subdivision and shall be in accordance with good subdivision design principles not otherwise set forth herein. Natural features, such as distinctive trees or vegetation, streams, ponds, hilltops, bluffs, creek bottoms and outlook views shall be preserved and enhanced wherever possible.

In laying out a subdivision, due consideration shall be given to such aesthetic features existing within the tract being subdivided and which may add to the aesthetic quality of existing nearby subdivisions.

Streets: The course, width, grade and location of all streets shall conform to the plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets and shall conform to the following design standards.

Where not shown on the plan, the arrangement of streets in a subdivision shall either:

Provide for the continuation or projection of existing principal streets in surrounding area; or

Conform to the thorough fare plan where applicable; or

Conform to topographic or other conditions where continuance or projection of existing streets is impracticable or undesirable from the community viewpoint.

Minor streets shall be so laid out that their use by through traffic will be discouraged.

Access to an existing or proposed major street or a railroad right of way or rail crossing shall be limited to a minimum number of intersections, and determined with due regard for sight distance, distance between intersections, approach grades and requirements for future grade separations.

No street grade shall be less than one-half of one percent (.5%) or more than seven percent (7%).

Street Intersection:

Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty degrees (60°).

Street intersections with center-line offsets of less than one hundred twenty-five feet (125') are prohibited.

Horizontal Deflection of Street Line:

Where connecting street lines deflect from each other more than ten degrees (10°), they shall be connected with a curve with a radius adequate to assure sight distance.



A tangent at least one hundred feet (100') long shall be introduced between curves on major and collector streets where the curve radius is less than five hundred feet (500').

Alleys shall not be permitted in residential districts.

Right of Way:

Street right-of-way widths not shown in the plan shall not be less than as follows:

Collector Streets 80 feet

Minor (Direct Access Streets) 60 feet

Marginal Access Streets 54 feet

Alleys 25 feet

In a subdivision that adjoins or includes an existing street that does not conform to the right-of-way width required above, one-half (1/2) of the additional width shall be provided along each side of such street for the entire frontage included within the land being subdivided, or as the Village Board may determine is proper.

Dead-end streets, designated to be so permanently, shall not be longer than six hundred feet (600'), unless limitation of the site by reason of topography make impractical development except with a longer length. They shall be provided with a circular turnaround having an outside line diameter of at least one hundred feet (100'). The center of the turnaround shall be located between the center line of the street and its left right-of-way line, facing into the turnaround.

All streets shall be public, unless the sub-divider submits sufficient evidence to demonstrate to the satisfaction of the Village Board and Village Engineer that there can be no public interest in a proposed street, which, upon approval shall be clearly marked "Private Road" on the plat.

Reserved strips controlling access to street rights of ways shall not be permitted except upon approval of the Village Board.

Street Names and Numbers:

The continuation of an existing street shall have the same name. The name of a new street shall not duplicate the name of an existing street within the area served by the same post office or fire department.

If proposed subdivision is in close proximity to a municipality which has adopted a street numbering system, the lots within the subdivision shall be assigned street numbers in accordance with that municipal street numbering system, where practicable.

Easements: easements across lots for utilities, watercourse, drainage way, channel or stream shall not be less than ten feet (10') wide, and shall be adjacent to or centered on lot lines.

Blocks:

The length, width and shape of blocks shall be determined to:

Provision of adequate building sites for the special type of use contemplated.

Requirements as to lot size and dimensions.

Needs for convenient access circulation, control and safety of street traffic.

Limitations and opportunities of topography.

Block lengths shall not exceed one thousand three hundred twenty feet (1,320').

In cases where the block length exceeds six hundred feet (600') and where deemed essential by the Village Board to provide pedestrian circulation to schools, playgrounds, shopping centers and other community facilities, an easement dedicated to the public for a crosswalk not less than ten feet (10') wide shall be provided.

Lots:

All provisions of the Hopedale Zoning Ordinance concerning lots shall apply including lot area, width and depth. No parcel, remainder, gore, out lot or remnant of land which is part of the tract being subdivided shall be created which, by reason of lot width, depth, area, frontage, topography or lack of access thereto, cannot be used as a zoning lot, or be subject to further subdivision in accordance with the terms of this Article. Any remaining parcel or out lot which cannot be made to comply with the foregoing shall be eliminated by combining the area thereof with one or more adjoining lots which do comply, or by conveying the same or appropriate public use to a public body, subject to its acceptance of same.

The lots shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantage of topography and orientation.

Side of lot lines shall be substantially at right angles or radial to street lines.

#### **7-4-6: REQUIRED IMPROVEMENTS:**

General:

No grading, tree removal, site work or installation of any required improvements shall be commenced until the preliminary plat has been approved.

All grading, site work or installation of any required improvements shall be done in such manner as to prevent flooding, washing, erosion, silting or other impairment to adjacent properties, storm drainage channels, bodies of water or adjoining streets.

No trees, tree stumps, brush or similar material shall be buried or used as fill in any area of a subdivision to be traversed by a road, or which is likely to be in or adjacent to an individual sewage disposal system or similar use.

#### Monuments:

Monuments shall be placed by an Illinois registered land surveyor at all block corners, angle points, points of tangency or curves in streets, and at such intermediate points as shall be required by the Village Engineer. The monuments shall be of such material, size and length as may be approved by the Village Engineer.

#### Streets:

Streets (and alleys where provided) shall be completed to grades shown on plat, profiles and cross-sections as needed and approved by the Village Engineer.

Streets and alleys shall be graded, surfaced and improved to the dimensions and standards herein.

Prior to placing the street surface, adequate subsurface drainage for the streets and all utilities under the streets shall be provided or installed by the sub-divider. Upon the completion of the street and alley improvements, plats and profiles as built shall be filed with the Village Engineer.

Streets other than residential streets shall have such right-of-way widths as are indicated on the thoroughfare plan, or as specified in Section 7-4-5 herein. The Village Engineer shall also make such requirements as to type of pavement, and as to curbs, gutters or sidewalks as he deems to be necessary for such street. However, the sub-divider shall be required to improve the street only to the width required by the current and immediate needs of his subdivision consistent with standards specified herein.

#### Utility and Street Improvements:

Utility and street improvements shall be provided in each new subdivision in accordance with standards and requirements described in the following schedules.

The standards and specifications may vary for each general type of development, as follows:

For apartment, garden apartment, row house, multi-family dwelling types, improvements to be in accord with Standard (b) following.

For single-family detached dwellings with a lot area of seven thousand five hundred (7,500) square feet or greater and a lot width at the setback line of seventy-five feet (75') or greater, improvements to be in accord with Standard (c) following.

For commercial or industrial subdivisions and/or other planned developments, the standards shall be as determined by and approved by the Village Board.

#### Schedule of Minimum Requirements for Utilities:

##### Standard

a	b	c	And Street Improvements
x	x		1. Public Water
x	x		2. Public Sanitary Sewer
x	x		Public Storm Sewer
			3. Streets:

##### Standard

a	b	c	Classification	R.O.W.	12' Lanes	Parking	Median	(2) Width	(1) Base	(1) Surface
x	x	x	Collector (3) (4)	80'	2	16'	4'	44'	9"	3"-B5
x	x		Minor	60'	2	16'		40'	8"	2"-B5
x	x	x	Minor	54'	2	16'		40'	8"	2"-B5

Note (1): Shall conform to State of Illinois Department of Public Works and Buildings Booklet entitled "Standard Specifications for Road and Bridge Construction: dated July 2, 1973, and all Supplemental Specifications.

Note (2): Measure edge to edge.

Note (3): Engineering soil study required.

Note (4): Portland cement concrete.

- d. Grading and improving of streets, per approved plans and profiles.
- e. Storm sewer system and other drainage improvements; per approved plans and profiles.
- f. Sidewalk: Four inch (4") Portland cement concrete.

(D) Sanitary Sewer:

1. When a subdivision is reasonably accessible to a Municipal sanitary sewer system, the sub-divider shall provide the subdivision with a complete sanitary sewer system to be connected to the Municipal sanitary sewer system, and shall conform to the Standard Specifications for Water and Sewer Main Construction in Illinois, dated November, 1973.

2. When no Municipal sanitary sewer system is available or is not reasonably accessible to the subdivision, the sub-divider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Illinois Department of Public Health, except that when such approval outlet is not available, one of the following methods of sewage disposal shall be used:

- a. A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the sub-divider in accordance with minimum requirements of the Illinois EPA and a permit to be issued to the sub-divider. The minimum branch sewer line shall be eight inch (8") diameter, with manhole at a maximum of three hundred fifty (350) l.f. House service shall be six inch (6") diameter, approved material. Whereupon the sub-divider design has an interceptor sewer design for the future use, the Village shall compensate the sub-divider for the cost difference in pipe size greater than ten inch (10") diameter.

- b. Upon completion of the sanitary sewer system installation, the Village Engineer shall certify that the sanitary sewer system complies with all the standards required by the Village and the Illinois EPA, according to the standard as built, and such verification shall be filed with the Village Board and Village Engineer.

3. Storm sewers shall not be connected to sanitary sewers. The sub-divider shall provide a complete storm water system to be designed by a registered professional engineer. The design shall be approved by the Village Engineer. Whereupon the sub-divider's design has an interceptor storm sewer, designed for the future, the Village shall compensate the sub-divider for the cost difference in pipe size greater than eighteen inch (18") diameter.

4. In this subsection (D) "Sanitary Sewer" and the next subsection (E) "Water," The phrase "the sub-divider shall provide" shall be interpreted to mean that the sub-divider shall install the facility referred to, that the sub-divider shall require, as a condition of the sale of each lot

in the subdivision, that the facilities referred to in these subsections shall be installed by the owner of the lot before occupation of the lot occurs.

(E) Water:

1. The sub-divider shall provide the subdivision with a complete water main supply system which shall be connected to a Municipal water supply, and approved by the Illinois EPA and a permit issued to the sub-divider, with satisfactory provision for the maintenance thereof. The sub-divider shall provide an individual water supply on each lot in the subdivision in accordance with minimum standards set forth in "An Ordinance Establishing Regulations for Protection of the Sanitary Health in Tazewell County, Illinois" adopted August 17, 1967, and any amendment thereof.

2. The plans for the installation of a water main supply system shall be prepared by a registered professional engineer for the sub-divider with the cooperation of the applicable water utility company. Upon completion of the water supply installation, two (2) copies of the plans for such system as built shall be filed with the Village Engineer. Minimum size pipe shall be six inch (6") diameter with fire hydrant to be installed every five hundred feet (500'). Prior to construction, the sub-divider shall secure an Illinois EPA permit. The materials and construction shall conform to the Standard Specifications for Water and Sewer Main Construction in Illinois, dated November, 1973. Whereupon the sub-divider's design has a main branch water main, designed for the future, the Village shall compensate the sub-divider for the cost difference in pipe size greater than eight inch (8") diameter.

(F) Storm Drainage: The sub-divider shall provide the subdivision with an adequate street storm water system approved by the Village Engineer, all calculations shall be determined on a twenty-five (25) year storm.

1. Where the evidence applicable to the Village Board and Village Engineer indicates that the natural surface drainage is inadequate, easements for such surface drainage shall be provided.

(G) Street Lighting: The sub-divider shall provide the subdivision with street lights, to be placed in each street intersection with a maximum of five hundred feet (500') between lights.

(H) Modification: Where the sub-divider can show that the strict application of a provision of Section 7-4-6 herein would cause unnecessary hardship because of unusual topographical or other physical conditions peculiar to the site, the Village Board may authorize such minor modification in the application of such provisions as, in its opinion and for reasons set forth in its minutes, will not materially impair the intent thereof, subject, however, to approval by the Village Board.

(I) Engineering and Inspection:

1. Plans and specifications for public sidewalk, sanitary sewer, water main, storm sewer, streets, curb and gutter, and appurtenances thereto and any other public improvement shall be submitted to the Village Engineer for review and approval before final disposition has been made of the subdivision plan. The sub-divider shall be charged a fee of twice the actual cost of the Village Engineer. Such fees shall be computed by multiplying the number of hours the Village Engineer worked on the aforesaid plans and specifications times double the hourly rate of pay the Village Engineer usually and customarily charges for his services. In no event shall the fee to be paid by the sub-divider for the services of the Village Engineer exceed two percent (2%) of the actual construction cost for the improvement aforesaid.
2. Fees required for the inspection of any public improvement shall be borne by the sub-divider and shall be computed by multiplying double the hourly rate of pay the Village Engineer usually and customarily charges for his service times the number of hours that he expends on said inspections.
3. All engineering plans, specifications and construction contracts shall be subject to the approval of the Village Engineer.

#### **7-4-7: PLATS AND DATA:**

(A) Pre-Application Plans and Data: Previous to the filing of an application for conditional approval of the preliminary plat, the sub-divider shall submit to the Village Board the following plans and data:

1. General information data and location map shall describe or outline existing covenants, zoning, land characteristics, community facilities and utilities, streets, schools, parks, playgrounds, commercial and industrial developments.
2. Sketch plan showing in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and may be freehand on a print of a topographic map.

(B) Plats and Data for Conditional Approval of Preliminary Plat: A preliminary plat of the subdivision shall be accurately drawn to scale of one hundred feet to one inch (100'=1"). The preliminary plat shall be eighteen inches by twenty-four inches (18" x 24") in size or larger in six inch (6") multiples.

##### **1. Topographic Data:**

- a. Boundary Lines and Lot Lines: By bearing and distances.
- b. Existing Easements: Location, width and purpose.

c. Existing Streets: On and adjacent to the tract by name, right-of-way width, location, type, width and elevation of surfacing; curbs, gutters, culverts and sidewalks.

d. Existing Utilities: On and adjacent to the tract; location, size and invert elevation of sanitary sewers, storm sewers and where existing, location and size of water mains; location of gas lines; fire hydrants, electric and telephone poles and street lights; if any of the above are not available at site, indicate direction and distance to the nearest ones and furnish statement of availability.

e. Other Existing Conditions: Watercourses, marshes, rock outcrop, wooded areas, dwellings, buildings and other significant features.

f. Proposed Public Improvements: Streets or other major improvements planned by public authorities for future construction on or near the tract.

g. Ground Elevations: On tract based on U.S.G.S. datum, show contours at vertical intervals as follows:

Slope of 3% or less—1' interval contour map;

Slope over 3% but less than 6%--2' interval contour map;

Slope over 6%--5' interval contour map.

h. Title and Certificates: Present tract designation; title under which subdivision is to be recorded; names and addresses of owners' acreage, scale, north point, datum, bench marks, certification of registered professional engineer or surveyor and date of survey.

2. The preliminary plat shall show all existing conditions required above in topographic data and show all proposals, including, but not necessarily limited to, the following:

a. Streets: Names, right-of-way widths, approximate grades and gradients.

b. Easements: Location, width and purpose.

c. Utilities: Location, type and approximate size; this information may be shown on a separate exhibit.

d. Lots: Lot lines, numbers and block numbers.

e. Sites (Public): If any, to be dedicated or reserved for parks, playgrounds or other public uses.



f. Sites (Nonpublic): If any, for shopping centers, churches, industry, multi-family dwellings or any other nonpublic use including indication of proposed use.

g. Setback Lines: Give locations of minimum setback lines.

h. Site Data: Including number of residential lots, typical lot size, and acres in other public or nonpublic land uses.

i. Title, scale, north arrow and plat date.

j. Other Preliminary Plans: When required by the Village Board and Village Engineer, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades; typical cross-sections of the streets and sidewalks; a preliminary plan of proposed sanitary and storm water sewers, and water mains with grades and size indicated, if available.

k. Draft or protective covenants whereby the sub-divider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

l. Zoning: Show zoning classification of the subdivision and adjacent areas.

(C) Plats and Date for Final Approval: The final plat shall meet the following specifications:

1. The final plat may include all or only a part of the area of the preliminary plat as proposed in the application.

2. The original drawing of the final plat of the subdivision shall be eighteen inches by twenty-four inches (18' x 24"), or larger in six inch (6") multiples. It shall be drawn to a scale of hundred feet to the inch (100'=1"). Four (4) black or blue line prints and one reproducible print shall be submitted with the original final plat.

3. The following information shall be shown:

a. Primary control points, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the final plat shall be referred.

b. Tract boundary lines, right-of-way lines of streets, easements and other rights of way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angle of all curves.

c. Name and right-of-way width of each street or other rights of way.

- d. Location and right-of-way widths of existing and/or platted streets adjacent to the fact.
- e. Location, dimensions and purposes of all easements.
- f. Consecutive numbers for each lot or site within all subdivisions having the same name.
- g. Purpose for which sites, other than residential lots, are dedicated or reserved.
- h. Minimum setback lines on all lots and other sites.
- i. Location and description of monuments.
- j. Names of record owners of adjoining un-platted land.
- k. Reference to recorded subdivision plats of adjoining platted land by book and page.
- l. Certification by Illinois registered land surveyor as to accuracy of survey and plat.
- m. Statement of a lawyer certifying that the subdivision has title to land being subdivided.
- n. Statement by sub-divider dedicating streets, right-of-way, easements and any sites for public use.
- o. Title, scale, north arrow and date.
- p. Other Data: Such other certificates, affidavits, endorsements or dedications as may be required by applicable codes, ordinances and/or Statutes pertaining to zoning, dedicated streets and drainage facilities.

(D) A certificate by the Village Clerk certifying that the sub-divider has posted a good and sufficient bond with the Village.

1. All required land improvements shall be installed and completed within a period of two (2) years after the recording of the final plat. Failure of the sub-divider to complete all improvements within this two (2) year period shall result in forfeiture of the guarantee collateral unless an extension of time is requested by the sub-divider and granted by the Village Board. In the event of failure to complete the improvements in the required period, as stated above, the Village Board may direct that no further building permits be issued for property in such subdivision pending satisfaction of the Village Board in regard to the status of the required land improvements.

2. All required land improvements to be installed under the provisions of this Section shall be checked during the course of construction by, or at the direction of, the Superintendent of Public Works. The cost of any re-inspection of any required land improvement found to be faulty or not in accordance with the approved plans and specifications shall be paid by the sub-divider to the Village. The testing of any concrete, asphalt, soil or other materials, and workmanship shall be done at the direction of the Village, and at the expense of the sub-divider.

3. The sub-divider's bond or guarantee collateral shall be released only upon fulfillment of the following conditions:

a. The completion of all required land improvements.

b. The submission of four (4) copies of acceptable "as-built" drawings of all land improvements.

c. An affidavit to the effect that:

1. All materials, labor and other costs have been paid, or arrangements have been made for payment so as to hold the Village free from any obligations for payment of any costs of the land improvements, and

2. That the sub-divider accepts responsibility for the maintenance and repair of all land improvements for one year after the date of the acceptance resolution by the Village Board.

d. Final acceptance, by resolution, by the Village Board of all land improvements.

**7-4-8: PENALTIES:** In addition to any civil remedies available to the Village of Hopedale, any person, firm or corporation violating any of the provisions of this Article shall be fined in accordance with the general penalty provisions of this Code.

## **ARTICLE V: VILLAGE PLAN**

**7-5-1: ESTABLISHMENT:** The official plan of the Village shall consist of the following:

(A) The Village plan hereto approved by the President and Board of Trustees shall consist of a map of the Village, charts and diagrams showing proposed additions to and improvements of the Village streets, parks, public buildings, sewage disposal system, water system and street lighting system.

(B) The specifications for street construction and paving hitherto established by the President and Board of Trustees.

(C) The zoning ordinance.

(D) The subdivision control ordinance.

## **ARTICLE VI: OTHER PROVISIONS**

**7-6-1: SEAL ESTABLISHED:** The Seal of the Village shall be a circular disc with the words “Village of Hopedale, Illinois” in the outer circle, and in the inner circle “Corporate Seal.”

**7-6-2: FISCAL YEAR:** The fiscal year for the Village shall begin on May 1 of each year and end on April 30 of the following year.

**7-6-3: INJURY TO PUBLIC PROPERTY:** It shall be unlawful for anyone to injure, deface or interfere with any property belonging to the Village without proper authority from the President and Board of Trustees. Any person violating the provisions of this Section shall be fined not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) for each offense.

**7-6-4: SURETY BONDS:** Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in this State as a surety company, in the absence of specific provision to the contrary by ordinance.

Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the President and Board of Trustees may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal of the bond, or his assignee, the President and Board of Trustees shall declare the bond to be void, and thereupon such principal or assignee, shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

**7-6-5: BILLS, PAYROLL:** All bills payable by the Village, other than for the payment of salaries established by the President and Board of Trustees shall be submitted to the President and Board of Trustees for approval before payment.

**7-6-6: CONTRACTS:** The Village President, or any other person designated by the Village Board may sign on behalf of the Village any contract authorized by the Village Board. No contract may be entered into without the authority of the President and Board of Trustees.

**7-6-7: AUDIT:** As soon as practicable at the close of each fiscal year, and no later than six (6) months thereafter, there shall be an audit of all accounts of the Village made by a competent person

authorized to act as an auditor under the laws of Illinois, to be designated by the President and Board of Trustees. Copies of such audit report shall be filed with the Village Clerk and with the Director of the State Department of Revenue and in such other places as may be required by law.

## **ARTICLE VII: LOCAL GOVERNMENT TRAVEL CONTROL POLICY**

**7-7-1: DEFINITIONS:** Whenever the following words or terms are used in this chapter, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

**ENTERTAINMENT:** The term “Entertainment” includes but is not limited to shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

**TRAVEL EXPENSE:** The term “Travel Expense” means any expenditure directly incident to official travel by employees or officers of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

**7-7-2: PERMISSIBLE REIMBURSABLE TRAVEL EXPENSES:** It is the policy of the Village of Hopedale to reimburse only reasonable and necessary travel expenses incurred by employees, officers, or agents of the Village of Hopedale. The types of official business for which travel expenses are allowed is as follows:

- (A) Professional Education.
- (B) Professional Certifications or Trainings.
- (C) Professional Association or Club conferences.
- (D) Lobbying activities on behalf of the Village of Hopedale.
- (E) The conduct of meetings which cannot conveniently be held within the Corporate boundaries of the Village of Hopedale.
- (F) Such other events or occurrences as may be necessary to adequately and fully attend to the duties and responsibilities assigned to the officer or employee.

**7-7-3: MAXIMUM ALLOWABLE REIMBURSEMENT:** The maximum allowable reimbursement to be paid to any employee for travel expenses which can be reimbursed to the employee without advanced board approval is \$1,000.00. In the event of an emergency or other extraordinary circumstances, travel expenses may be authorized and approved in an amount in excess of the maximum allowable limit otherwise provided herein by the Mayor. In order to approve non-

emergency travel expenses in excess of the limits provided herein, the corporate authorities of the Village of Hopedale must approve the reimbursement.

**7-7-4: STANDARDIZED FORM FOR SUBMISSION OF EXPENSES:** The Village Administrator shall prepare and promulgate a standardized form for submission of travel expenses and shall be made available on request to any employee or officer of the Village. The standardized form shall require the employee or officer seeking reimbursement to submit documentation along with their request for reimbursement, which documentation satisfies the requirements of Section 20 of the Local Government Travel Expense Control Act.

**7-7-5: REIMBURSEMENT FOR ENTERTAINMENT EXPENSES PROHIBITED:** The Village of Hopedale shall not reimburse any officer, employee or elected official for any entertainment expenses.

**7-7-6: BOARD OF TRUSTEES TRAVEL EXPENSES:** The Village of Hopedale shall not reimburse any travel expense of the Mayor or any member of the Board of Trustees unless reimbursement has been approved by a roll call vote of the Board of Trustees at an open public meeting. (Ordinance 2-6-17, 2017)

## **CHAPTER 8: STREETS AND SIDEWALKS**

### **SECTION:**

#### **Article I. General Provisions**

- 8-1-1: Supervision
- 8-1-2: Construction
- 8-1-3: Bond
- 8-1-4: Specifications
- 8-1-5: Injury to Pavements
- 8-1-6: Repairs
- 8-1-7: Defects
- 8-1-8: Obstructions
- 8-1-9: Barricades
- 8-1-10: Disturbing Barricades
- 8-1-11: Private Use
- 8-1-12: Encroachments
- 8-1-13: Drains
- 8-1-14: Poles and Wires
- 8-1-15: Gas Pumps
- 8-1-16: Openings
- 8-1-17: Barbed Wire Fences; Electric Current Fences
- 8-1-18: Deposit on Streets
- 8-1-19: Deposits on Sidewalk
- 8-1-20: Excavations
- 8-1-21: Burning
- 8-1-22: Injury
- 8-1-23: View at Corners
- 8-1-24: Right of Way Encroachments

#### **Article II. Driveways**

- 8-2-1: Permit Required
- 8-2-2: Grade Surfaces
- 8-2-3: Specifications
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- 8-2-5: Penalty

#### **Article III. Overhanging Signs and Awnings**

- 8-3-1: Permits

- 8-3-2: Construction
- 8-3-3: Height Above Sidewalk
- 8-3-4: Inspections

#### Article IV. Trees and Shrubs

- 8-4-1: Planting
- 8-4-2: Removals
- 8-4-3: Injury
- 8-4-4: Advertising or Notices
- 8-4-5: Dangerous Trees
- 8-4-6: Dangerous Limbs
- 8-4-7: Wires
- 8-4-8: Gas Pipes
- 8-4-9: Excavations

### ARTICLE I: GENERAL PROVISIONS

**8-1-1: SUPERVISION:** All public streets, alleys, sidewalks and other public ways shall be under the supervision of the Superintendent of Public Works. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinances.

**8-1-2: CONSTRUCTION:** It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way, to repair the same, or to make any excavation in or tunnel under any public street, sidewalk or other public place in the Village without having first secured a permit thereof. Applications for such permits shall be made to the Village Clerk, and shall state the location of the intended pavement, repair, excavation or tunnel, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued except on order of the President and Board of Trustees.

**8-1-3: BOND:** Each applicant shall file a bond or policy in the sum of fifty thousand dollars (\$50,000.00) with sureties to be appointed by the President and Board of Trustees, conditioned to indemnify the Village from any loss or damage resulting from the work undertaken or the manner of doing the same.

**8-1-4: SPECIFICATIONS:** All street and sidewalk pavement shall be made in conformity with the specifications approved from time to time by the President and Board of Trustees.



**8-1-5: INJURY TO PAVEMENTS:** It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or alley pavement while the same is guarded by a warning sign or barricade; or to knowingly injure any street, sidewalk or alley pavement.

**8-1-6: REPAIRS:** All public streets, alley and sidewalk pavements shall be in good repair. Such repair work, whether done by the Village or the abutting owner, shall be under the supervision of the Superintendent of Public Works.

**8-1-7: DEFECTS:** It shall be the duty of every Village officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction thereof, to report the same to the Superintendent of Public Works as soon as possible.

**8-1-8: OBSTRUCTIONS:** It shall be unlawful for any person to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance, or by the Superintendent of Public Works.

**8-1-9: BARRICADES:** Any person laying or repairing any pavement on a street, sidewalk or other public place or making an excavation in the same shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work; such barricades shall be protected by suitable lights at nighttime. Any defect in any such pavement shall be barricaded to prevent injury; and any person properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open, by proper barricades and lights.

**8-1-10: DISTURBING BARRICADES:** It shall be unlawful to disturb or interfere with any barricades or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk.

**8-1-11: PRIVATE USE:** It shall be unlawful for any person to use any street, sidewalk or other public place, as space for the display of goods or merchandise for sale; or to write or mark any signs or advertisements on any such pavements, unless approval is first received from the President and Board of Trustees.

**8-1-12: ENCROACHMENTS:** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

**8-1-13: DRAINS:** It shall be unlawful to obstruct any drain in any public street or alley.

**8-1-14: POLES AND WIRES:** It shall be unlawful to erect any poles or wires or to maintain any poles or wires over any public place, street, alley or other public way without first having secured permission from the President and Board of Trustees.

**8-1-15: GAS PUMPS:** It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk.

**8-1-16: OPENINGS:** It shall be unlawful to construct or maintain any opening or stairway in any public street or alley or sidewalk or other public place without a permit from the President and Board of Trustees.

All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to the approval of the Superintendent of Public Works.

**8-1-17: BARBED WIRE FENCES, ELECTRIC CURRENT FENCES:** It shall be unlawful to maintain or construct any fence composed in whole or part of barbed wire, or with any similar materials, designed to cause injury to person, or any wire charges with electrical current, anywhere within the Village, except to protect industrial property in which case barbed wire must be at least six feet (6') above the sidewalk and extent inward of property.

**8-1-18: DEPOSIT ON STREETS:** It shall be unlawful to deposit on any street any waste material, or other articles which may cause injury to any person, animal, property or the pavement thereof.

Coal or other minerals may be deposited in streets preparatory to delivery for use; provided, that such deposit does not reduce the usable width of the street or roadway at that point to less than eighteen feet (18'), and provided that such material or coal other than material used in actual building construction, shall not be permitted to remain in such street for more than three (3) hours.

Any such material or coal shall be guarded by lights if the same remains upon any street during nighttime.

**8-1-19: DEPOSITS ON SIDEWALK:** It shall be unlawful to deposit on any public sidewalk any waste material, or any glass or other article which might cause injury to persons, animals, property or the pavement thereof.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the sidewalk is not thereby reduced to less than four feet (4'); and provided, that no such article shall remain on such walk for more than one-half (1/2) hour.

**8-1-20 EXCAVATIONS:** Any person making any excavation shall refill the same properly and shall restore the surface to its condition before the excavation was made, as soon as possible. All such excavations, refills and resurfacing shall be made subject to the supervision of the Superintendent of Public Works.

**8-1-21: BURNING:** It shall be unlawful for any person to burn any paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village. No material of any description shall be burned in an open fire after 6:00 P.M. in the evening, or before 7:00 A.M. in the morning. Nor shall said burned material be allowed to remain as to obstruct the drainage of said public street, sidewalk or alley.

**8-1-22: INJURY:** It shall be unlawful to injure any sidewalk, street or alley pavement.

**8-1-23: VIEW AT CORNERS:** It shall be unlawful to construct or maintain or permit to remain, any fence or other structure, or any bushes or other plants, on a corner lot within fifty feet (50') of the street line, which obstructs the view, at a height of more than five feet (5') above the level of the adjacent street pavement.

Any person violating any provision of this Section shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which such obstruction to view is permitted to remain after notice from the Police Department or any official of the Village to remove the same. (1978 Code)

**8-1-24: RIGHT OF WAY ENCROACHMENTS:** It shall be unlawful for any person to erect or cause to be erected, to retain or to be retained any encroachment within the limits of the roadway right of way.

(A) "Encroachment" is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs) which is placed, located or maintained, in, on, under or over any portion of the project right-of-way or the roadway right of way where no project right-of-way line has been established.

(B) "Roadway Right of Way" is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the area acquired by temporary easement during the time the easement is in effect.

## **ARTICLE II: DRIVEWAYS**

**8-2-1: PERMIT REQUIRED:** No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without first having obtained a permit therefore from the President and Board of Trustees.

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 under the order of the President and Board of Trustees. All permits shall be subject to approval of the Superintendent of Public Works.

**8-2-2: GRADE SURFACES:** No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction on 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 or hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level.

**8-2-3: SPECIFICATIONS:** Driveways across sidewalks shall be constructed in compliance with specifications adopted by the President and Board of Trustees.

**8-2-4: 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.

**8-2-5: PENALTY:** Any person violating any provision of this Article shall be fined in accordance with the general penalty provisions of this Code for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

### **ARTICLE III: OVERHANGING SIGNS AND AWNINGS**

**8-3-1: PERMITS:** No person shall erect or maintain any sign, signboard or rigid canopy over any street, sidewalk, alley or other public way in the Village without having first obtained a permit therefore as herein provided. Permits for signs, canopies or signboards shall be issued by the President and Board of Trustees, and shall designate the location of the proposed structure.

**8-3-2: CONSTRUCTION:** All signs and canopies extending over any public sidewalk, street, alley or other public place must be securely fastened and constructed so that there will be no danger of the same being dislodged by ordinary winds or falling from other cause.

**8-3-3: HEIGHT ABOVE SIDEWALK:** The lowest part of any such canopy, sign or of any non-rigid awning, or any support thereof which extends over any public way shall be at least ten feet (10') above the level of the walk or public way over which it extends; but no such sign shall be maintained over any public way used by vehicles if any part of its support or of the sign is less than fifteen feet (15') above the level of such public way.

**8-3-4: INSPECTIONS:** It shall be the duty of the Superintendent of Public Works to inspect or cause to be inspected every sign, canopy or awning which extends over any sidewalk, street, alley or other public way. If any such sign or canopy is found to be insecurely fastened, he shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened. If the sign or canopy is not made secure within ten (10) days after such notice, it may be torn down on order of the President and Board of Trustees.

### **ARTICLE IV: TREES AND SHRUBS**

**8-4-1: PLANTING:** It shall be unlawful to plant any tree or shrub 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 President and Board of Trustees, and shall be referred by them to the Committee on Streets and Alleys.

**8-4-2: REMOVALS:** It shall be unlawful to remove or cut down any tree or shrub in any street, parkway or other public place without having first secured a permit therefore. Applications for such

permits shall be made to the President and Board of Trustees, and shall be referred by them to the Committee on Streets and Alleys.

**8-4-3: INJURY:** It shall be unlawful to injure any tree or shrub planted in any such public place.

**8-4-4: ADVERTISING 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.

**8-4-5: DANGEROUS TREES:** Any tree or shrub which overhangs any sidewalk, street or public place shall be trimmed by the owner of the abutting premises on which such trees or shrubs grow so that the obstruction shall cease.

**8-4-6: DANGEROUS LIMBS:** Any 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 or shrub grows or stands.

**8-4-7: WIRES:** It shall be unlawful to attach any wire or other rope to any tree in a public place without permission of the President and Board of Trustees.

Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the Village 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 and subject to the supervision of the Superintendent of Public Works, so that no injury shall be done to the poles or wires or shrubs and trees by contract.

**8-4-8: GAS PIPES:** Any person maintaining any gas pipe in the Village shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks.

**8-4-9: EXCAVATIONS:** In making excavations in streets or other public places, proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.

## **CHAPTER 9: WATER AND SEWER**

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### ARTICLE I: USE OF PUBLIC WATER REQUIRED

**9-1-1: PRIVATE WATER SYSTEMS PROHIBITED:** No person having its residence or place of business within the territorial limits of the Village waterworks system shall be permitted to secure water for such residence or place of business located in the Village otherwise than through the water mains the Village is adjacent to, or within one hundred feet of any subdivided lot or parcel of real estate, upon which the residence or place of business is located.

**9-1-2: CONNECTION TO PUBLIC WATERMAIN REQUIRED:** In all cases where a public water main is now installed, or hereafter may be installed in any street, alley, public way or easement in the Village all inhabitants or users located on any lot or parcel of real estate fronting, abutting on, or within a distance of one hundred feet from the public watermain to the nearest property line, of any such subdivided lot, or parcel of real estate on any such street, alley, public way or easement, shall at their expense make, or cause to be made connection to such public watermain within three months after the installation of such public water main; if the same be not now installed. All users shall discontinue, within the same period of time, any connection which they therefore may have had with any other private water supply.

**9-1-3: EXTENSIONS TO WATER MAINS:** Any property owner or developer desiring to extend the public water main for the benefit of his property may do so at his own expense. Minimum main size shall be four inches in diameter or larger where required by the master plan on file with the Village Clerk or where required by the future growth in the vicinity of the extension. All construction shall be in accordance with the Standard Specifications for Water and Sewer Main Construction in Illinois-2<sup>nd</sup> Edition. Pipe to be used shall be Class 150 or 160 psi PVC pipe conforming to accepted current standards of ASTM 1784 (for schedule 40, 80 and 160 pipe, ASTM 2241 (SDR-DR) and No. 14 of the Sanitation Foundation (NSF) and be appropriately marked as specified by the Foundation. Minimum acceptable pipe is one having standard dimension ratio of 21 (SDR-21) and Type 1 Grade 1 materials with a hydrostatic design stress of two thousand psi for water at twenty-three degrees Celsius for a working pressure of two hundred psi. Joints shall be of the rubber gasket type. All construction shall be subject to the inspection of the superintendent or other designated representative.

**9-1-4: AMPERING PROHIBITED:** It is unlawful for any person, firm or corporation to break the seal of any meter, or in any manner to make any alterations, changes or repairs on the same, or to open any mains, laterals, service pipes, stopcocks or valves, or any part thereof, or otherwise tamper with or attempt to do any work on them, without authority given by the Village.

**9-1-5: TURN-ON REQUIREMENTS:** No water from the Village water supply shall be turned on for service into any premises by any person other than a person authorized by the Village to perform this service. No water shall be turned on for service in premises in which the Village now in force or which may be adopted. However, water may be turned on for construction work in unfinished buildings, subject to the provisions of this Chapter.

**9-1-6: APPLICATION FOR WATER SERVICE:** Applications to have water turned on shall be made in writing to the Village Clerk, on a form for the purpose provided by the Clerk. Upon approval thereof, the application shall constitute a contract between the applicant as a customer and the Village obligating the applicant as a customer to pay for the water service in accordance with applicable rate schedules, and to comply with all applicable provisions of the rules, regulations and conditions of service outlined in this chapter. (Ordinance 5-7-18, 2018)

**9-1-7: DEPOSIT REQUIRED:** A deposit of one hundred (\$100.00) dollars shall be made with each user's application if the application is for non-owner-occupied residential property, such sum to be retained by the Village to ensure payment of all water bills. This deposit will be refunded upon discontinuation of the user's water service subject to the Village Clerk verifying that said user's account is paid in full through the date of discontinuation by the Village for non-payment, the Village shall be authorized to offset from said deposit any amounts due the Village and refund the user the difference, if any. This ordinance shall take effect upon passage and shall be effective for all deposits currently held by the Village as well as all future deposits. (Ordinance 5-7-18, 2018)

**9-1-8: SERVICE CONNECTIONS:**

(A) Residential. No connections with the water main shall be made without a permit being issued and twenty-four hour notice having been given to the superintendent or his duly authorized representative. Application for such connections must be made to the Village Clerk, and a fee of Three Hundred Dollars (\$300.00) shall be paid for each connection. This fee shall cover the cost of a connection to a main and installation of a three-quarter-inch water service line from the main to the owner's property line and installation of a meter yoke with shut-off. It shall include the furnishing of a meter for single family residence service. In addition, if the water line to be connected is more than three-quarter-inch in diameter or a larger meter is required, an extra fee shall be charged in addition to the Three Hundred Dollars (\$300.00), which shall consist of the cost of the connection and/or meter to the Village over and above Three Hundred Dollars (\$300.00). All such connections shall be made and all such work shall be done by persons duly authorized by the Village.

**9-1-9: RESALE OF WATER PROHIBITED:** No water shall be resold or distributed by the recipient thereof from the Village supply to any premises other than that for which application has been made and the meter installed, except in case of emergency.

**9-1-10 FIRE HYDRANTS AND VALVES-USE PROHIBITED EXCEPTIONS:** No person or persons shall open any fire hydrant or draw water therefrom except the superintendent and persons under his direction, or with his permission, except in case of fire, when the proper fire authorities, their officers and members, shall have free and entire control of the hydrants for the purpose of extinguishing fire. No person or persons except the superintendent and employees under his direction shall open or close any valve or gate in any water main or street pipe, or in any manner interfere with or obstruct the same. Any person, firm or corporation desiring to use water from a fire hydrant for construction or other purposes shall first obtain permission from the Village and shall be held responsible for all water used and damages which may be done to such hydrant or other property, which may be caused by unauthorized use.

**9-1-11: STATE PLUMBING CODE ADOPTED:** With reference to the design, construction and installation methods of plumbing systems, and adequacy of plumbing materials and fixtures required for plumbing installation under this chapter, the Minimum Plumbing Code of Standards, as amended from time to time, promulgated by the Illinois Department of Public Health is incorporated into this chapter by reference, to the extent that the code is not specifically altered or amended by this Chapter.

**9-1-12: CROSS-CONNECTIONS NOT PERMITTED-PENALTIES:** Whenever a system of water supplying piping, either inside or outside of any building, receives its supply from any source other than the waterworks system of the Village, such system shall be kept entirely separate from and no cross-connections or connections of any kind shall be made with any pipe or system of piping which receives its supply for the Village waterworks system. Water which has once been used for any purpose whatsoever shall not be returned to the building's water supply system. Any person, firm, association, corporation or partnership violating this section shall be fined not less than five dollars nor more than two hundred dollars and each day of violation shall be deemed as a separate violation of this chapter.

**9-1-13: SERVICE PIPES-INSTALLATION:** The Village shall, except for private water lines, install and maintain service lines to the owner's property line in accordance with Section 7. The owner shall assume all responsibility for installation, maintenance and repair of service pipe from the property line to and including building plumbing. Such installation on the property of the owner shall be under the inspection of the superintendent or his duly authorized representative.

**9-1-14: SERVICE PIPES-MATERIALS:** All service pipes to any meter on the premises from the Village mains at the corporation cock shall be of at least one hundred sixty pound test polyethylene or type K copper pipe to be approved by the superintendent; and, after the same is installed, it shall, prior to closing of the ditch and turning on of the water, be inspected and approved by the superintendent. In addition, all service pipes to any premises shall be laid at least four feet below the surface of the grade lines of the street main to the inside of the curb line where a curb cock shall be

attached and valve box placed. There shall be a stop and waste cock placed on every supply pipe just inside the building or cellar. Every connection or service pipe shall not be more than two feet from the main and laid in such a manner as to prevent settling. No service pipe shall be laid in the same trench with any sewer, gas or other pipe. A curb cock shall not be required in those cases where a meter yoke with shut-off is (or has been) installed.

**9-1-15: SERVICE PIPES-METER YOKES WITH SHUT-OFF:** One tap and one service pipe will not be allowed to supply more than one house or premises, unless such service pipe be provided with separate meter yoke with shut-off which shall be placed at the curb line in front of each house or premises. Except with permission of the Village Board, each house trailer or mobile home shall be considered a separate house or premises. In no case shall service pipe be allowed to run across lots, but must be taken from the main in front of the premises.

**9-1-16: SERVICE PIPES-INSPECTION:** All water meters, 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.

**9-1-17: SERVICE PIPES-REPAIRS:** All repairs for service pipes beyond the meter yoke with shut-off and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The Village may, in case of emergency, repair any service pipes, and if this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served.

**9-1-18: SERVICE PIPES-EXCAVATIONS:** Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets, the hookup fee will be Seven Hundred Fifty Dollars (\$750). However, it is unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe. (Ordinance 1-6-14B, 2014)

**9-1-19: METERS REQUIRED:** All premises using the Village water supply must be equipped with an adequate water meter furnished by the Village and paid for by the consumer; provided that such water service may be supplied by the Village at a flat rate of charge prescribed by the Village Board until such meter may be installed on new service. The Village will provide a meter as provided under Section 7. On an existing service the Village will provide, if not already in place, a suitable meter for each customer's water service connection. The meter will remain the sole property of the Village. The customer shall be responsible for any pay for repairs for any damage to a meter caused by freezing, by hot water backing through the meter or by physical damage unless said damage is caused through the Village's negligence.

**9-1-20: METER LOCATION:** In those cases where the meter is not located on the outside of the customer's premises, the owner or customer will provide at his expense a clean, dry, safe place, not subject to a great variation in temperature, so that the meter will be properly protected from freezing and other hazards, and so located as to control the entire supply and be easily accessible for installation, maintenance, reading and disconnection.

**9-1-21: METERS-INDIVIDUAL TRAILERS:** For individual house trailers located in locations other than trailer courts, meters shall be installed in fiber meter pits at least thirty-six inches deep and eighteen inches in circumference within five feet of the trailer, and with no less than twelve inches of rise to the valve meter yoke. Above surface installation shall also be allowed, but such installation must be constructed so as to prevent freezing, and with adequate openings to facilitate meter change. Meters shall be located at the customer's property line.

**9-1-22: METERS-MULTIPLE INSTALLATIONS-MASTER METERING:** For all meters which service more than one trailer, dwelling or business, or combination of any two or more of the above, the owner shall pay a minimum rate which is equal to the current rate applicable to such dwellings, trailers or businesses, times the number of such dwellings, trailers or businesses served by such meter. The excess of all water used over the minimum as defined herein shall be billed as one billing in addition to the minimum.

**9-1-23: METERS-READING:** The superintendent or his duly authorized representative shall read or cause to be read every water meter used in the Village at such times as are necessary that the bills may be sent out at the proper time.

**9-1-24: METERS-TESTING METERS:** Any municipal water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of fifteen dollars (\$15.00) or the actual out-of-pocket costs of the Village for the testing, whichever is greater. If upon test, the meter is not within three percent of being accurate, it shall be repaired or replaced and the fee returned to the consumer.

**9-1-25: METERS-REMOVAL:** The Village reserves the right to remove and test any meter at any time and to install another meter in place of the one removed.

**9-1-26: METERS-ACCESS TO PREMISES:** The superintendent and every person authorized by him and all meter inspectors shall have ready and reasonable access to the premises, place or building, where such meters are located for the purpose of reading, examining, testing and repairing the same, and examining and reading the consumption, use and flow of water, and it is unlawful for any person or corporation to interfere with, prevent or obstruct the superintendent or such other person or inspector in his work hereunder. Every consumer of water shall take the same upon the conditions prescribed in this chapter.

## **ARTICLE II: CHANGE IN OCCUPANCY-DISCONNECTION**

**9-2-1: TERMINATION OF SERVICE-NOTICE TO VILLAGE:** Any user requesting a termination of service shall give written notice to the Village five working days prior to the time of such termination of service is desired. Responsibility for payment for water service prior to the date of termination shall be with the property owners as well as the user. There shall be no charge for transferring the water service to the subsequent use.

**9-2-2: DISCONNECTION-PROCEDURE:** In all cases where a property owner desires to disconnect from Village water service on its property, the following procedures will apply:

(A) Property owner will notify appropriate Village officials who will cause the water service to be disconnected. The water meter shall be removed by the Village, and the water service disconnected at the water main.

(B) The Village shall make an inspection to ensure that the procedures have been followed.

(C) A permit shall be required from the Village for the disconnection, which application shall be filed with the Village clerk on a form to be supplied by the clerk, with appropriate fee as set by the Village Board.

(D) If the property owner shall at a future date desire to reconnect to the water system, all procedures for reconnecting as provided in this chapter, as amended, shall be followed.

### **ARTICLE III - PROTECTION OF WATER WORKS FROM DAMAGE**

**9-3-1: PROTECTION OF WATER WORKS FROM DAMAGE:** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the water works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other applicable statute of the State of Illinois. Any person found guilty of said charge (or who pleads guilty) shall be subject to fines, incarceration or restitution as and for the penalty for violating this provision notwithstanding the penalties provided for in Article V below.

### **ARTICLE IV: POWERS AND AUTHORITY OF INSPECTORS**

**9-4-1: AUTHORIZED PERSONNEL:** The Village and other duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

**9-4-2: SAFETY RULES:** While performing the necessary work on private properties referred to in Article IV, Section 1 above, the Village or duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. 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 if said damages, injury or death result from the negligence of the Village or its duly authorized employees.



**9-4-3: AUTHORIZED PERSONNEL ON PRIVATE PROPERTY:** The Village 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 purpose of, but not limited to, inspection, observation, measurements, repair and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **ARTICLE V: PENALTIES**

**9-5-1: VIOLATING ORDINANCES:** Any person found to be violating any provision of this ordinance except Article III 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 water usage as a result of any violation of any provisions of this ordinance.

**9-5-2: CONTINUING VIOLATIONS:** Any person who shall continue any violation beyond the time limit provided for in Article V, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

## **ARTICLE VI: WATER SERVICE CHARGES**

**9-6-1: BASIS FOR WATER SERVICE CHARGES:** The water service charge for the use of and for service supplied by the water treatment facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement and local capital cost charge composed of a debt service charge and a capital improvement charge.

The debt service charge is computed by dividing the annual debt service of all outstanding bonds by the numbers of users. Through further divisions, the monthly debt service charges can be computed.

The capital improvement charge is levied on all users to provide for capital improvements, extensions or reconstruction of the water treatment system. The capital improvement is computed by apportioning the annual amount to be accrued as a fixed charge per month.

The basic user charge shall be based on water usage as recorded by water meters.



It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- (A) Estimate the projected annual revenue required to operate and maintain the water treatment facility including a replacement fund for the year.
- (B) Proportion the estimated operation, maintenance and replacement (OM&R) costs to the water treatment facility by Volume.
- (C) Compute costs per 100 gallons.

The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or a damage in operation and maintenance costs including replacement costs.

The users of water 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 water treatment operation, maintenance and replacement.

**9-6-2: MEASUREMENT OF FLOW:** The volume of flow used for computing basis user charges shall be the metered water consumption read to the lowest even increments of 100 gallons. Each user will be charged for a minimum usage of 1,000 gallons.

**9-6-3: LOCAL CAPITAL COST CHARGE:**

Debt service charge: A debt service charge of \$0.00 per month to each user of the water treatment facility of the Village is hereby established.

A capital improvement charge will be levied on all users at a fixed charge of \$1.00 per month, to provide funds for extension, improvement of reconstruction of the water treatment works.

**9-6-4: BASIC USER RATE:**

- (A) At the time the sewer plant construction is completed and approved by the Illinois Environment Protection Agency the following will be instituted.
- (B) Minimum sewer rate of \$37.33 for usage up to 1,000 gallons per month.
- (C) \$7.47 for each 1,000 gallons, or fraction thereof, used thereafter.

The rate increase herein to be effective after construction is complete shall be placed in a repayment fund and shall only be used for the sole purpose of repaying funds borrowed from the Water Pollution Control Loan Program. (Ordinance 2-2-15D)

**9-6-5: COMPUTATIONS OF WASTEWATER SERVICE CHARGE:** The wastewater service charge shall be computed by the following formula:

$$WC = CC + CD + CM + (Vu - X) Cu$$

Where WC = Amount of water service charge (\$) per billing period.

CC = Capital Improvement Charge

CD = Debt Service Charge (Section 3)

CM = Minimum Charge for Operation, Maintenance and Replacement (Section 4).

Vu = Water Volume for the billing period.

X = Allowable consumption in gallons for the minimum charge (Section 4).

Cu = Basic User Rate for Operation, Maintenance and Replacement (Section 4).

**9-6-6 BULK WATER:** The rate for bulk water shall be the same as the basic user rate as set forth in Section 9-6-4. Payment shall be made either at the time of pick up or at the same cycle as regular water for customers. (Ordinance 1-6-14B, 2014)

## **ARTICLE VII: GENERAL PROVISIONS**

**9-7-1: BILLS:** Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village.

Bills for water service shall be sent out by the Village Clerk on the first day of the month succeeding the period for which the service is billed.

All water bills are due and payable ten days after being sent out. A penalty of 5 percent (5%) shall be added to all residential bills not paid by the tenth day after they have been rendered.

**9-7-2: DELINQUENT BILLS:** In the event payment in full for utility service is not received by the Village at its office within thirty days after the rendition of the bill, the account shall be deemed

delinquent. The utility customer, and the owner if the property is occupied by a tenant, will be sent a notice of delinquency. The Village Clerk or his/her designee shall cause such utility customer and owner to be notified in writing by first class mail that utility service is to be terminated. Said notice shall also specifically inform the utility customer of the following:

- (A) That the utility customer may contact the Village Clerk to request a hearing on the matter; and
- (B) That said request must be made within five (5) business days of the date of said termination notice; and
- (C) That if said request is made, a hearing will be held within five (5) business days of the date of said termination notice. The hearing will be before the Mayor and Chairman of the Water and Sewer Committee; and
- (D) That utility service will be discontinued within five (5) business days of the date of said termination notice if no request for hearing is made.

Delinquent utility customers will have until the close of business on the fifth business day from the date of said termination notice to:

- 1. Pay the bill in full; or
- 2. Resolve the matter in accordance with the dispute resolution procedure set forth in this Section.

If the delinquent utility customer fails to perform any of these requirements by the deadline stated, a disconnect order will be issued by the Village.

The Village shall not disconnect the utility service of any person for nonpayment during the pendency of the dispute if:

- a. Written notice is given to the Village office as herein provided; and
- b. Payment of all undisputed portions of the bills is made; and
- c. All changes made during the pendency of the dispute are paid as they become due; and
- d. The person making the complaint or dispute enters into a bona fide effort to resolve the disputed matter with all due dispatch.

If the finding reached at the aforesaid hearing are adverse to the customer, said decision shall be reduced to writing with a copy thereof to be forwarded to said customer and the property owner if the customer is a tenant, by first class mail. Said decision should also contain the date on which utility service to the customer in question will be discontinued. The decision of the Mayor and

Chairman of the Water and Sewer Committee is final.

In the event utility service has been disconnected due to nonpayment of bills, then such utility service shall not be reconnected until all outstanding bills for utility service to the property, any costs incurred by the Village as a result of the discontinuance and reinstatement of said utility service, and a reconnection service charge of Fifty Dollars (\$50.00), have been paid in full. In the event there are delinquent charges to more than one property of a particular owner, then service will not be reconnected until all outstanding bills for utility service to all properties owned by that owner are brought current. Reconstructions will be performed only during normal working hours and only if sufficient Village personnel are available to perform the reconnection during normal working hours. (Ordinance 1-6-14B, 2014)

**9-7-3: LIEN-NOTICE OF DELINQUENCY:** Whenever a bill for water service remains unpaid for thirty days (30) for monthly service after it has been rendered, the Village Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

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

The failure of the Village Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclosure the lien for unpaid bills as mentioned in the foregoing section.

**9-7-4: FORECLOSURE OF LIEN:** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-on equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matter against any property for which the bill has remained unpaid forty-five (45) days after it has been rendered.

**9-7-5: REVENUES:** All revenues and moneys derived from the operation of the water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his 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 Village Treasurer not more than ten days (10) after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the “Water Fund of the Village.”

Said treasurer shall administer such fund in every respect in the manner provided by statute of the “Revised Cities and Villages Act,” effective January, 1942.

**9-7-6: ACCOUNTS:** The Village Treasure shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

In addition to the customary operating statement, the annual audit report shall also reflect the revenues and operating expenses of the water treatment facilities, including a replacement cost, to indicate that water service charges do in fact meet operating cost. In this regard, the financial information to be shown in the audit report shall include the following:

1. Flow data showing total gallons treated at the water plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.

**9-7-7: NOTICE OF RATES:** Each user will be notified by the Village in conjunction with a regular bill, of the rate and that portion of the user charges of Ad Valorem taxes which are attributable to water treatment services, including the financial information of Section 6.

**9-7-8: DISCONNECTIONS:** A fee of fifty dollars (\$50.00) shall be due and owing the Village of Hopedale for the disconnection and reinstatement of water service for any reason including but not limited to disconnection and reinstatement at the request of the account holder. Said fee shall be paid prior to the reinstatement at the request of water service. (Ordinance 5-7-18, 2018)

**9-7-9: PENALTY:** Any person, firm or corporation violating any provisions of this chapter may be fined not less than \$50.00 nor more than \$750.00 for each offense. Each day a bill for water service remains unpaid following the notice of delinquency shall constitute an offense.

**9-7-10: PROVISIONS FOR WATER LEAKAGE:** Effective August 1, 2015, a policy of forgiveness for internal water leaks at a water service location is established with the following rules:

(A) The forgiveness shall be applied only once in a three (3) year period, commencing with the first forgiveness.

(B) The owner of the service account (bill to individual) must request the forgiveness in writing to the Village Clerk at P.O. Box 387, 101 Southeast Main, Hopedale, IL 61747.

(C) The request must be based upon an internal failure within the service locations water system, the nature of which is to be specified when requesting the forgiveness. Documentation may be required.

(D) Water system failures must be repaired in a timely fashion, which shall not exceed ten (10) days from discovery.

(E) Forgiveness will include both water and sewer charges in excess of average monthly usage, as calculated by the Village staff.

(G) Bill adjustments will not exceed two (2) billing cycles.

*(Ordinance 8-17-15, 2015)*

## **ARTICLE VIII: APPEALS**

**9-8-1: APPEALS:** The method for computation of rates and service charges established for user charges in Article I, Section 3 through Section 7 shall be made available to a user within 30 days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by an independent party selected by mutual agreement between the Village and the User within ninety (90) days after notification of a formal written appeal outlining the discrepancies.

Any user who disagrees with the charges made by the Village for water supplied to said user, may, within thirty days (30) from the date said bill is mailed to said user, appeal said charges directly to the Village Board. The Village Board may (but it shall not be obligated to), waive all or any part of said user's bill in those instances where the Village Board has determined the Village may be responsible for all or any part of the user's bill. Failure by the user to appeal user's bill within thirty (30) days from the mailing of said bill to user, shall be deemed an acceptance by the user that said bill is accurate and is rightfully owed to the Village.

## **ARTICLE IX: USE OF PUBLIC SERVICE REQUIRED**

**9-9-1: DEPOSITING WASTE:** 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 of Hopedale

or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

**9-9-2: DISCHARGE OF SEWAGE:** It shall be unlawful to discharge to any natural outlet within the Village of Hopedale, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

**9-9-3: PRIVY:** 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.

**9-9-4: OWNER REQUIREMENTS:** The owner of all the houses, building or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street, alley or right of way in which there is now located or may in the future be located any public sanitary 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 ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') of the property line.

## **ARTICLE X: PRIVATE SEWAGE DISPOSAL**

**9-10-1: CONNECTING SEWER:** Where a public sanitary sewer is not available under the provisions of Article I, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article II.

**9-10-2: OBTAINING A PERMIT BEFORE CONSTRUCTION:** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Village. The application for such permit shall be made on a form furnished by the Village, (reference Appendix #2) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Village.

**9-10-3: PERMIT BECOMING EFFECTIVE:** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village. 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 Village when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of written notice by the Village.

**9-10-4: COMPLYING WITH RECOMMENDATIONS:** 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 the State of Illinois Environmental Protection Agency.

**9-10-5: ABANDONING OTHER SEWERS:** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article I, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**9-10-6: OWNER RESPONSIBILITIES:** 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.

**9-10-7: NON-INTERFERENCE:** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Tazewell County Health Department.

**9-10-8: TIME PERIOD FOR CONNECTION:** When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

## **ARTICLE XI: BUILDING SEWERS AND CONNECTIONS**

**9-11-1: UNAUTHORIZED PERSONS OBTAINING PERMIT:** 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 Village.

**9-11-2: DISPOSALS:** All disposals 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.

**9-11-3: TWO CLASSES OF BUILDING PERMITS:** There shall be two (2) classes of building sewer permits: (a) for residential, wastewater service, and (b) to commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make application on a special form furnished by the Village, (reference Appendix #2).

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Village. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

Applications for sewer connections must be made to the Village Clerk, and a fee of Five Hundred Dollars (\$500.00) shall be paid for each connection. This fee shall cover the cost of the permit and installation of the public sewer to the building sewer. (Ordinance 5-7-18, 2018)



**9-11-4: WHEN A PERMIT SHOULD BE ISSUED:** A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

**9-11-5: COSTS AND EXPENSES:** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**9-11-6: SEPARATE AND INDEPENDENT SEWERS:** 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.

**9-11-7: OLD SEWERS AND REQUIREMENTS:** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village, to meet all requirements of this ordinance.

**9-11-8: SEWER MEETING 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.

**9-11-9: ELEVATION OF SEWER:** 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 Article III, Section 2 and discharged to the building sewer.

**9-11-10: CONNECTIONS NOT TO BE MADE:** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**9-11-11: CONNECTION CONFORMING TO BUILDING AND PLUMBING CODE:** 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 Federal Manual or 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.

**9-11-12: APPLICANT AND INSPECTION:** 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. The connection shall be made under the supervision of the Village or his representative.

**9-11-13: SEWER EXCAVATIONS GUARDED:** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public for 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.

## **ARTICLE XII: USE OF THE PUBLIC SEWERS**

**9-12-1: DISCHARGING:** No person shall discharge or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

**9-12-2: DISCHARGE INTO STORM SEWERS:** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer or natural outlet.

**9-12-3: WASTES NOT PERMITTED INTO PUBLIC SEWERS:** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers;

(A) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid 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 all hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood,

underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**9-12-4: PROHIBITED SUBSTANCES:** 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 Village that such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty degrees Fahrenheit (150° F), (0 and 65° C).

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the 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 excessive chlorine requirements, 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 taste or odor-producing substances, in such concentrations 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 wastes or waters having pH in excess of 9.5.

(I) 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.

(J) Any cyanide in excess of 0.1 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

(K) Materials which exert or cause:

1. Unusual concentrations of 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.

(L) 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.

**9-12-5: VILLAGE’S OPINIONS IF VIOLATION OCCURS:** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, 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 Village 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 Village may:

(A) Reject the wastes;

(B) Require pretreatment to an acceptable condition for discharge to the public sewers;

(C) Require control over the quantities and rates of discharge, and/or

(D) 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 II of this Article.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances and laws.

**9-12-6: INTERCEPTORS APPROVED BY VILLAGE:** Grease, oil and sand interceptors shall be provided when, in the opinion of the Village they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the Village, and shall be located as to be readily and easily accessible for cleaning and inspection.

**9-12-7: EFFECTIVE OPERATION AT OWNERS EXPENSE:** 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.

**9-12-8: REQUIRED MANHOLES:** Each industry shall be required to install a control manhole and, when required by the Village, 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 wastes. Such manhole when required, shall be accessible with plans approved by the Village. 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.

**9-12-9: OWNERS REQUIRED TO PROVIDE:** 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 ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

**9-12-10: RESULTS OF TESTS:** All measurements test and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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 said control manhole.

In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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 premises 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.

**9-12-11: PAYMENTS:** 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 Chapter 00, Article I, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System.

## **ARTICLE XII: PROTECTION OF SEWAGE WORKS FROM DAMAGE**

**9-13-1: PROTECTION OF SEWAGE WORKS FROM DAMAGE:** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other applicable statute of the State of Illinois. Any person found guilty of said charge (or who pleads guilty) shall be subject to fines, incarceration or restitution as and for the penalty for violating this provision notwithstanding the penalties provided for in Article VII below.

## **ARTICLE XIV: POWERS AND AUTHORITY OF INSPECTORS**

**9-14-1: AUTHORIZATION TO ALL PROPERTIES:** The Village and other duly authorized employees of the Village, the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, bearing proper credential and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

The Village 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 of the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

**9-14-2: AUTHORIZED PERSONNEL INJURIES:** While performing the necessary work on private properties referred to in Article VI, Section 1 above, the Village or duly authorized employees of the Village, the Illinois Environmental Protection Agency 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 if said damages, injury or death result from the negligence of Village or its duly authorized employees, 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 Article IV, Section 9.

**9-14-3: AUTHORIZED PERSONNEL WORK:** The Village 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 purpose of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said

easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **ARTICLE XV: PENALTIES**

**9-15-1: VIOLATION PROVISIONS OF ORDINANCE:** Any person found to be violating any provision of this ordinance except Article V 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 provisions of this ordinance.

**9-15-2: CONTINUING VIOLATION:** Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**9-15-3: LIABLE TO VILLAGE:** Any person violating any of the provisions of this ordinance shall become liable to the Village by reasons of such violation.

## **ARTICLE XVI: GENERAL PROVISIONS**

**9-16-1: BILLS:** Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises, occupant and user of the services are jointly and severally liable therefore to the Village.

Bills for sewer service shall be sent out by the Village Clerk on the first day of the month succeeding the period for which the service is billed.

All sewer bills are due and payable ten (10) days after being sent out. A penalty of 5 percent (5%) shall be added to all residential bills not paid by the tenth (10th) day after they have been rendered.

**9-16-2: DELINQUENT BILLS:** If the charges for such services are not paid within thirty (30) days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

**9-16-3: LIEN-NOTICE OF DELINQUENCY:** Whenever a bill for sewer service remains unpaid for thirty (30) days for monthly service after it has been rendered, the Village Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal



description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

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

The failure of the Village Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

**9-16-4: FORECLOSURE OF LIEN:** Property subject to a lien for unpaid charges shall be sold for non-payment of the same and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five (45) days after it has been rendered.

**9-16-5: REVENUES:** All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village Treasurer 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 Village Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village Treasurer shall receive all such revenues from the sewerage system 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 "Sewerage Fund of the Village."

Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

**9-16-6: 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 sewerage, 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 sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost and 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:

1. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt services for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.
6. A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

**9-16-7: NOTICE OF RATES:** Each user will be notified by the Village in conjunction with a regular bill, of the rate and that portion of the user charges or Ad Valorem taxes which are attributable to wastewater treatment services, including the financial information of Section 6.

**9-16-8: PENALTY:** Any person, firm or corporation violating any provisions of this article may be fined not less than \$2.00 nor more than \$10.00 for each offense. Each day a bill for sewer service remains unpaid following the notice of delinquency shall constitute an offense.

**9-16-9: ACCESS TO RECORDS:** The I.E.P.A. or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

## **ARTICLE XVII: APPEALS**

**9-17-1: APPEALS:** The method for computation of rates and service charges established for user charges in Article I, Section 3 through Section 7 shall be made available to a user within 30 days of receipt of a written request for such. Any disagreement over the method used or in the computation thereof shall be remedied by an independent party selected by mutual agreement between the Village and the User within 90 days after notification of a formal written appeal outlining the discrepancies.

Any user who disagrees with the charges made by the Village for sewer services supplied to said user, may, within 30 days from the date said bill is mailed to said user, appeal said charges directly to the Village Board. The Village Board may (but it shall not be obligated to), waive all or any part of said user's bill in those instances where the Village Board has determined that the Village may be

responsible for all or any part of the user's bill. Failure by the user to appeal user's bill within 30 days from the mailing of said bill to user shall be deemed an acceptance by the user that said bill is accurate and is rightfully owed to the Village.

## **ARTICLE XVIII: DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

### **9-18-1: FEDERAL GOVERNMENT:**

"Federal Act" means the Federal Clean Water Act (33 U.S.C. 466 et seq) as amended, (Pub. L. 95-217).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

"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.

### **9-18-2: STATE GOVERNMENT:**

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"Director" means the Director of the Illinois Environmental Protection Agency.

"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 the State of Illinois.

### **9-18-3: LOCAL GOVERNMENT:**

"Ordinance" means this ordinance.

"Village" means the Village of Hopedale.

"Approving Authority" means the Village Board of Trustees of the Village of Hopedale.

### **9-18-4: PERSON:**

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

#### **9-18-5: NPDES PERMIT:**

“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.

**9-18-6: WORD USAGE:** Clarification of word usage: “Shall is mandatory; “May” is permissible.

#### **9-18-7: WASTEWATER AND ITS CHARACTERISTICS:**

“Wastewater” shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and storm water that may be present.

“Sewage is used interchangeably with “wastewater”.

“Effluent Criteria” are defined in any applicable “NPDES Permit”.

“Water Quality Standards” are defined in the Water Pollution Regulations of Illinois.

“Unpolluted Water” is water quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

“ppm” shall mean parts per million by weight.

“Milligrams per Liter” shall mean a unit of the concentration of water or wastewater 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 and wastewater analysis.

“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 IEPA Division of Laboratories Manual of Laboratory Methods.

“BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at 20\_ C, expressed in milligrams per liter.

“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.

“Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of food.

“Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

“Floatable Oil” is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. As wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

“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.

“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.

“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.

“Major Contributing Industry” shall mean an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of the Federal Act; or (d) is found by the permit issuing 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.

#### **9-18-8: SEWER TYPE AND APPURTENANCES:**

“Sewer shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

“Public Sewer” shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though those sewers may not have been constructed with Village funds.

“Sanitary Sewer” shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

“Combined Sewer” shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

“Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

“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.

“Storm water Runoff” shall mean that portion of the precipitation that is drained into the sewers.

“Sewerage” shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

#### **9-18-9: TREATMENT:**

“Pretreatment” shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

“Wastewater Treatment Works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “pollution control plant”

#### **9-18-10: WASTEWATER FACILITIES:**

“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.

#### **9-18-11: WATERCOURSE AND CONNECTIONS:**

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

“Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

#### **9-18-12: USER TYPES:**

“User Class” shall mean the type of user “residential, institutional/governmental, commercial” or “industrial” as defined herein.

“Residential User” shall mean all dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.

“Commercial User” shall include schools, churches, penal institutions and users associated with Federal, State and local governments.

“Institutional/Governmental User” shall include schools, churches, penal institutions and users associated with Federal, State and Local governments.

“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.

#### **9-18-13: TYPES OF CHARGES:**

“Wastewater Service Charge” shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Chapter 00, Article II and shall consist of the total or the Basic User Charge, the Local Capital Cost and Surcharge, if applicable.

“User Charge” shall mean a charge levied on users treatment works for the cost of operation, maintenance and replacement.

“Basic User Charge” shall mean the basic assessment levied on all users of the public sewer system.

“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.

“Capital Improvement Charge” shall mean a charge levied on users to improve, extend or reconstruct the sewage treatment works.

“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.

“Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful 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.

“Useful Life” shall mean the estimated period during which the collection system and/or treatment works will be operated.

“Sewerage Fund” is the principal accounting designation for all revenues received in the operation of the sewerage system.

## **ARTICLE XIX: WASTEWATER SERVICE CHARGES**

**9-19-1: BASIS FOR WASTEWATER SERVICE CHARGES:** The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and local capital cost charge composed of a debt service charge and a capital improvement charge.

The debt service charge is computed by dividing the annual debt service of all outstanding bonds by the number of users. Through further divisions, the monthly debt service charges can be computed.

The capital improvement charge is levied on all users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement is computed by apportioning the annual amount to be accrued as a fixed charge per month.

The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:

- (A) A five day, 20 degree centigrade (20°C) biochemical oxygen demand BOD of 204 mg/l.
- (B) A suspended solids (SS) content of 240 mg/l.

It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- (A) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (B) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.

(C) Proportion the estimated OM&R costs to each user class by volume, suspended solids and BOD.

(D) Proportion the estimated operation, maintenance and replacement, (O M&R) costs to wastewater facility categories by Volume, Suspended Solids and BOD.

(E) Compute costs per 1000 gal. for normal sewage strength.

(F) Compute surcharge costs per pound per 1000 gal. in excess of normal sewage strength for BOD and SS.

A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (204 mg/l) and SS (240 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 204 mg/l and 240 mg/l concentration for BOD and SS respectively. Article I, Section 6 specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or a change in operation and replacement.

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

**9-19-2: 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 100 gallons. Each user will be charged for a minimum usage of 1,000 gallons.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the 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 Village if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed, unless services are cancelled, without the consent of the Village.



**9-19-3: LOCAL CAPITAL COST CHARGE:** Debt service charge: A debt service charge of \$0.00 per month to each user of the wastewater facility of the Village is hereby established.

A capital improvement charge will be levied on all users at a fixed charge of \$1.00 per month, to provide funds for extension, improvement of reconstruction of the sewage treatment works.

**9-19-4: BASIC USER RATE:** There shall be and there is hereby established a minimum charge and basic user rate for the use of the Sewer. A minimum charge of \$18.82 shall be applied to all users for the first 1,000 gallons. An additional \$3.76 shall be applied to all users for each 1,000 gallons usage thereafter.

**9-19-5: SURCHARGE RATE:** The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD:	\$0.07
per lb. of SS:	\$0.07

**9-19-6: COMPUTATION OF SURCHARGE:** The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Village and shall be binding as a basic for surcharges.

**9-19-7: COMPUTATION OF WASTEWATER SERVICE CHARGE:** The wastewater 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 billing period.

CD = Debt Service Charge (Section 3)

CC = Capital Improvement Charge

CM = Minimum Charge for Operation, Maintenance and Replacement (Section 4)

Vu = Wastewater Volume for the billing period

X = Allowable consumption in gallons for the minimum charge (Section 4)

Cu = Basic User Rate for Operation, Maintenance and Replacement (Section 4)

CS = Amount of surcharge (Sections 5 and 6)

## **CHAPTER 10: TRAFFIC**

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## **ARTICLE I: DEFINITIONS AND GENERAL PROVISIONS**

**10-1-1: DEFINITIONS:** Whenever in this Chapter the following terms are used, they shall have the meaning respectively ascribed to them in this Section:

**ALLEY:** A public way within a block generally giving access to the rear of lots or buildings, and not used for general traffic circulation.

**BICYCLES:** Every device propelled by human power, upon which any person may ride, having two (2) tandem wheels, either of which is more than twenty inches (20") in diameter.

**BUSINESS DISTRICT:** The territory of any city, village or incorporated town contiguous to and including a highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred feet (300') of frontage on one side or three hundred feet (300') collectively on both sides of the highway.

**CONTROLLED ACCESS HIGHWAY:** Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal rights of access to or from the same except at such points only as may be determined by the public authority having jurisdiction over such street or highway.

**CROSSWALK:** That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

**DRIVERS:** Every person who drives or is in actual physical control of a vehicle.

**EMERGENCY VEHICLE:** Police vehicles, vehicles of the Fire Department, ambulances, vehicles carrying a State, County or Municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

**EXPLOSIVES:** Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

**FLAMMABLE LIQUIDS:** Any liquid which has a flash point of seventy degrees (70° F) or less, as determined by tagliabue or equivalent closed cup test device.

**IMPROVED HIGHWAY:** A roadway of concrete, brick, asphalt, macadam or gravel.

**INTERSECTION:** (A) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

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

**LANED ROADWAY:** A street, the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

**LOADING ZONE:** The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

**MERGING TRAFFIC:** A maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.

**METAL TIRES:** Every tire the surface of which in contact with the roadway is wholly or partially of metal or other hard, non-resilient material.

**MOTORCYCLES:** Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

**MOTOR VEHICLE:** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead wires, but not operated upon rails.

**PARK:** To stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons.

**PEDESTRIAN:** Any person afoot.

**PNEUMATIC TIRE:** Every tire in which compressed air is designed to support the load.

**PROPERTY LINE:** The lines marking the boundary between any street and the lots of property abutting thereon.

**PUBLIC BUILDING:** A building used by the Municipality, the County, any park district, school district, the State of Illinois or the United States Government.

**RESIDENCE DISTRICT:** The territory within the incorporated limits of the Village not comprising a business district.

**RIGHT OF WAY:** The privilege of the immediate use of the roadway.

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

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

**SCHOOL BUS:** Every motor vehicle of the second division operated by or for a public or governmental agency or by or for a private or religious organization solely for the transportation of pupils in connection with school activities.

**SEMI-TRAILER:** Every vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**SIDEWALK:** That portion of a street between the curb line or roadway and the adjacent property line designated for pedestrian use.

**SOLID TIRE:** Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load

**STREET OR HIGHWAY:** The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

**THROUGH HIGHWAY:** Every highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Chapter.

**TRAFFIC:** Pedestrians, ridden or herded animals, vehicles and other conveyances whether singly or together while using any highway for the purpose of travel.

**TRAILER:** Every vehicle without motive power designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**VEHICLE:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks.

**YIELD RIGHT OF WAY:** When required by an official sign means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, provided that when the roadway is clear, the vehicle may proceed into the intersection.

**10-1-2: OBEDIENCE TO POLICE:** Members of the Police Department and special policemen assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Chapter, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman, except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

**10-1-3: 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 any emergency call for so long as Fire Department equipment is on the scene in the absence of or in assisting the police.

**10-1-4: SIGNS AND SIGNALS:** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois, excepting on direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways.

**10-1-5: FLASHING SIGNALS:** Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(A) Flashing Red (Stop Signal): When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

**10-1-6: UNAUTHORIZED SIGNS:** No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person, place, maintain or display upon or in view of any street any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.



Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any policeman.

**10-1-7: 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.

**10-1-8: 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, unauthorized by the Village Board or the Illinois State Department of Public Works and Buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device.

**10-1-9: AMBULANCES, OPERATION OF:** No person shall operate an ambulance which shall include any motor vehicle primarily designed and used for conveyance of sick or injured persons, in a manner not conforming to a provision of the motor vehicle laws and regulations of this State or ordinances of the Village as such provision applies to motor vehicles in general, except in compliance with the following conditions:

(A) The person operating the ambulance shall be either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved.

(B) The ambulance shall be equipped with a siren producing an audible signal of an intensity of one hundred (100) decibels at a distance of fifty feet (50') from said siren, and with a lamp emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle and containing a power rating of at least one hundred (100) amps.

(C) The aforesaid siren and lamp shall be in full operation at all times during such trip or journey.

(D) Whenever the ambulance is operated at a speed in excess of forty (40) miles per hour, the ambulance shall be operated in complete conformance with every motor vehicle law and regulation of this State and ordinances of the Village in which the ambulance is operated, relating the operation of motor vehicles, as such provision applies to motor vehicles in general, except laws and regulations pertaining to compliance with official traffic-control devices or to vehicular operation upon the right half of the roadway.

**10-1-10: 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 Chapter 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. Provided that, except in business districts, bicycles may be ridden on sidewalks.

**10-1-11: EXEMPTIONS:** The Provisions of this chapter regulating the movement or parking of vehicles shall not apply to the driver of any authorized emergency vehicle when responding to an emergency call, but such driver when approaching shall slow down as necessary for safety but may proceed cautiously past a red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

No driver of any authorized emergency vehicle shall assume any special privileges except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

The provisions of this Chapter regulating the movement and parking of vehicles shall not apply to persons, equipment or vehicles while actually engaged in installing, repairing or otherwise improving streets or street pavements.

## **ARTICLE II: THROUGH, ONE-WAY, YIELD RIGHT-OF-WAY STREETS AND STOP INTERSECTIONS**

**10-2-1: 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 or a traffic control signal.

**10-2-2: 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.

**10-2-3: 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.

**10-2-4: YIELD RIGHT-OF-WAY STREETS:** Any street designated by ordinance as a yield right-of-way street and so posted is hereby declared to be a yield right-of-way street.

The driver of a vehicle in obedience to a yield right-of-way sign shall reduce the speed of his vehicle to not more than twenty (20) miles per hour and shall yield the right of way to other vehicles which have entered the intersecting street either from the right or left or which are approaching so closely on such intersection as to constitute a hazard; but said driver having so yielded may proceed at such time as a safe interval occurs.

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

**10-2-5: 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.

### **ARTICLE III - RULES FOR DRIVING**

**10-3-1: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION:** The driver of a vehicle intending to turn at an intersection shall do so as follows:

(A) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, or as indicated by traffic markers or signs.

(B) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection, or as indicated by traffic markers or signs.

(C) At any intersection where traffic is restricted to one direction on one or more roadways, the driver of a vehicle intending to turn to the left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such a vehicle and after entering the intersection on the left turn shall be made so as to leave the traffic moving in such direction upon the roadway being entered, or as indicated by traffic markers or signs.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

**10-3-2: TURNING ON CREST HILL:** No vehicle shall be turned as to proceed in the opposite direction upon any curve or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500').

**10-3-3: STARTING PARKED VEHICLE:** No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

**10-3-4: DRIVER'S SIGNAL:** No driver of a vehicle shall suddenly start, slow down, stop or attempt to turn without first giving a suitable signal in such a manner as to apprise others who might be affected by his action.

(A) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided, in the event any other vehicle may be affected by such movement.

(B) A signal or intention to turn right or left shall be given during not less than the last one hundred feet (100') traveled by the vehicle before turning.

(C) The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device, but when a vehicle is so constructed or loaded that hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or device.

(D) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left Turn: Hand and arm extended horizontally.
2. Right Turn: Hand and arm extended upward.
3. Stop or Decrease of Speed: Hand and arm extended downward.

**10-3-5: DRIVING FROM ALLEYS, DRIVEWAYS OR GARAGES:** The driver of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or across such lines.

**10-3-6: VEHICLE PROHIBITED ON SIDEWALKS OR IN SAFETY ZONES:** No driver of a vehicle shall drive within any sidewalk area except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone.

**10-3-7: RIGHT OF WAY:** Excepting as otherwise herein provided, the driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway; and when two (2) vehicles are entering an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

**10-3-8: VEHICLE TURNING LEFT:** The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn.

**10-3-9: LIMITATIONS ON TURNING AROUND:** It shall be unlawful for the operator of any vehicle to run such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing into traffic or otherwise interfering with traffic.

**10-3-10: “U” TURN:** It shall be unlawful for the operator of any vehicle to make a “U” turn at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

**10-3-11: FIRE DEPARTMENT VEHICLE; FIRES:** Upon the approach of a Fire Department vehicle, drivers of vehicles shall comply with the provisions of this Chapter relating to the approach of authorized emergency vehicles.

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus in response to a fire alarm, closer than one block, or to park any vehicle within the block where fire apparatus has stopped to answer a fire alarm.

It shall be further unlawful for the driver of any vehicle to drive over an unprotected hose of the Fire Department without the consent of the Fire Chief or the assistant in command.

**10-3-12: DRIVING ON RIGHT SIDE OF ROADWAY:** Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway except as follows:

When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

When the right half of a roadway is closed to traffic, while under construction or repair; provided, the driver of a vehicle shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such a distance as to constitute an immediate hazard.

Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon.

Upon a roadway designated and signposted for one-way traffic.

Whenever there is a single track paved road on one side of the public highway and two (2) vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right of way on such pavement to the other vehicle.

**10-3-13: PASSING VEHICLES:** Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible.

**10-3-14: OVERTAKING VEHICLES:** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions and special rules hereinafter stated:

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left hereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaking vehicle.

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

**10-3-15: OVERTAKING VEHICLES ON THE RIGHT:** The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four (4) or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

The driver of a vehicle may overtake and pass another vehicle upon the right on a one-way street or on any street on which traffic is restricted to one direction of movement where the roadway is free from obstruction and of sufficient width for two (2) or more lanes of moving vehicles.

**10-3-16: LIMITATIONS ON OVERTAKING ON THE LEFT:** No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet (100') of any vehicle approaching from the opposite direction.

No vehicle shall in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

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

When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing.

When official signs are in place directing that traffic keep to the right, or a distinctive line also so directs traffic as declared in the sign manual adopted by the Illinois Department of Public Works and Buildings.

The limitations in subsections 1 and 2 of this subsection (B) shall not apply upon a one-way street, or upon a street with unobstructed pavement of sufficient width for two (2) or more lanes of moving traffic in each direction when such movement can be made with safety.

**10-3-17: ONE-WAY ROADWAYS:** Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

**10-3-18: DRIVING ON ROADWAYS LANED FOR TRAFFIC:** Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others, consistent herewith, shall apply:

A vehicle shall be driven as nearly as practicable entirely within a single lane; shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

Upon a roadway which is divided into three (3) lanes a vehicle shall not be driven in the center except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction that the vehicle is proceeding and is signposted to give notice of such allocation.

Official signs may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the direction of such signs.

Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadways and drivers of vehicles shall obey such signs.

**10-3-19: OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY:** Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible sign by siren or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

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

**10-3-20: RECKLESS DRIVING:** It shall be unlawful to operate any vehicle within the Village with a willful or wanton disregard for the safety of persons or property.



**10-3-21: SPEED RESTRICTIONS:** It shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the Illinois State Department of Public Works and Buildings, or the County, in any business district within the Village at a speed in excess of thirty (30) miles per hour; or in any residential district at a speed in excess of thirty (30) miles per hour, or in an alley at a speed in excess of fifteen (15) miles per hour.

Provided, that if the President and Village board, by ordinance, set other limits as provided by Statute after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinance.

Appropriate signs shall be posted showing such speed limits.

The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to weather or highway conditions; and speed shall 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.

It shall be unlawful to drive any vehicle on any street or highway within the Village under the jurisdiction of the State Department of Public Works and Buildings, or of the County, at a speed exceeding that lawfully set for such street.

**10-3-22: SPECIAL SPEED LIMITS WHILE PASSING SCHOOLS:** No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour 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. Appropriate signs shall be posted to indicate this restriction.

**10-3-23: TRAFFIC NOT TO BE OBSTRUCTED:** No vehicle shall be operated or allowed to remain upon the street in such a manner as to form an unreasonable obstruction to the traffic thereon.

**10-3-24: BICYCLES AND MOTORCYCLES:** It shall be unlawful for more than one person to ride upon any bicycle propelled by human power upon any street, or for any person to ride upon any motorcycle other than upon a seat permanently attached to said vehicle to the right or rear of the operator.

**10-3-25: UNATTENDED VEHICLES:** No vehicle shall be left unattended while the motor of such vehicle is running; and no vehicle shall be left without a driver on any hill or incline unless the vehicle is secured against moving.



Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

**10-3-26: CLINGING TO VEHICLES:** It shall be unlawful for any person on any street riding a bicycle, motorcycle or any toy vehicle to cling to or attach himself or his vehicle to any moving vehicle or wagon.

**10-3-27: TOY VEHICLES:** It shall be unlawful for any person upon skates, a coaster, sled or other toy vehicle to go upon any roadway other than at a crosswalk.

**10-3-28: RIDING ON RUNNING BOARDS:** It shall be unlawful for any person to ride upon the fenders, running board or outside step of any vehicle.

**10-3-29: TRAIN SIGNALS:** The driver of a vehicle approaching a railroad grade crossing when a signal device gives warning of the immediate approach of a train shall stop within fifty feet (50') but not less than ten feet (10') from the nearest track of such railroad and shall not proceed until he can do so safely.

The driver of a vehicle shall stop at and not traverse such grade crossing when a crossing gate is lowered or when a fireman, or automatic signal warns of the approach of a train.

The driver of any motor vehicle carrying passengers for hire, or any school bus carrying any school children, or any vehicle carrying explosives or flammable liquid as cargo shall stop such vehicle within fifty feet (50') but not less than ten feet (10') from the nearest rail of the tracks and shall listen and look in both directions along such track from which a train might come before proceeding across such tracks at a grade crossing. Provided, that no such stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

**10-3-30: DRIVING THROUGH FUNERAL OR OTHER PROCESSION:** No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Chapter.

**10-3-31: DRIVERS IN PROCESSION:** Each driver in a funeral or other procession shall drive as near to the right-hand side of the roadway as close as practicable and shall follow the vehicle ahead as close as practicable and safe.

**10-3-32: FUNERAL PROCESSION TO BE IDENTIFIED:** A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia and by having the lights of each vehicle lighted.

**10-3-33: BACKING:** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interference with other traffic.

**10-3-34: RESTRICTED ACCESS:** No person shall drive a vehicle onto or from any controlled or limited controlled access roadway except at such entrances and exits as are established by public authority.

**10-3-35: TRUCKS PROHIBITED ON CERTAIN STREETS:** It shall be unlawful to drive any truck (semi-tractors) as defined in 625 ILCS 5/1-212, or any truck with tandem axles as defined in 625 ILCS 5/11-204.3, as now in effect or as may be amended from time to time, except for the purpose of making a delivery and then for one block only, on any street so designated by ordinance and properly sign posted.

**10-3-36: LIMITED LOAD STREETS:** It shall be unlawful to operate any vehicle on any street in the Village when the gross weight on the surface of the road through any axle of such vehicle exceeds sixteen thousand (16,000) pounds. Where lower limits are imposed by ordinance and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose.

**10-3-37: SCHOOL BUSES:** The driver of a vehicle on any street or highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on the bus a visual signal as required by Statute for operation while the bus is transporting pupils; provided, that the driver of a vehicle upon a street or highway of which the roadways for traffic moving in opposite directions are separated by a strip of ground at least four feet (4') wide which is not surfaced or suitable for vehicle traffic, or on a controlled access highway where pedestrians are not permitted to cross, need not stop his vehicle upon meeting or passing a school bus which is on the opposite roadway.

**10-3-38: FOLLOWING TOO CLOSELY:** The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street.

The driver of any motor vehicle of the second division or motor vehicle drawing another vehicle when traveling upon a street outside of a business or residence district shall not follow within three hundred feet (300') of another motor vehicle of the second division or motor vehicle drawing another vehicle. The provisions of this Subdivision shall not be constructed to prevent overtaking and passing nor shall the same apply upon any lane specifically designated for use by motor vehicles of the second division.

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

## ARTICLE IV - PEDESTRIANS

**10-4-1: RIGHT OF WAY:** The driver of a vehicle shall yield the right of way, slowing down or stopping, if need be, to a pedestrian crossing the roadway or street within any marked crosswalk or within any unmarked crosswalk.

Whenever stop signals or flashing red signals are in place at an intersection or marked crosswalk between intersections, the pedestrian shall have the right of way over drivers of vehicles; and at such marked places drivers of vehicles shall stop before entering the nearest crosswalk and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right of way over any vehicle so stopped.

The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross.

**10-4-2: PEDESTRIANS CROSSING ROADWAY:** At no place shall the pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk, he shall yield the right of way to all vehicles upon the roadway.

No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic.

**10-4-3: SIGNALS:** At intersections where traffic is directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.

**10-4-4: STANDING ON SIDEWALK:** It shall be unlawful for a pedestrian to stand upon any sidewalk 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.

**10-4-5: PEDESTRIAN CROSSING:** No pedestrian will cross a roadway other than a crosswalk in any business district.

**10-4-6: PEDESTRIAN WALKING ALONG ROADWAYS:** Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic, and upon meeting a vehicle shall step off to the left.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

**10-4-7: BLIND PEDESTRIAN, RIGHT OF WAY:** Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, or who is being guided by a dog, shall have the right of way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals, anything in this Article to the contrary notwithstanding. The driver of every vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway shall bring his vehicle to a full stop and before proceeding, shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this Section shall not apply to a blind person who is not carrying a cane or walking stick or is not guided by a dog, but the other provisions of this Chapter relating to pedestrians shall be applicable to such person. However, the failure of a blind person to so use or so carrying such a cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence.

## **ARTICLE V - PARKING RULES**

**10-5-1: NO PARKING SPACES:** It shall be unlawful to permit any vehicle to stand at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic-control device:

- (A) In any intersection.
- (B) In a crosswalk.
- (C) Upon any bridge or viaduct, or in any subway or tunnel or the approach thereto.
- (D) Between a safety zone and the adjacent curb or within thirty feet (30') of a point of the curb immediately opposite the end of safety zone.
- (E) Within thirty feet (30') of a traffic signal, beacon or sign on the approaching side.
- (F) Within twenty feet (20') of any intersection or crosswalk.
- (G) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet (18').
- (H) Within fifteen feet (15') of a fire hydrant.
- (I) At any place where the vehicle would block the use of a driveway.
- (J) Within fifty feet (50') of the nearest rail or a railroad grade crossway.

(K) Within twenty feet (20') of the driveway entrance to any Fire Department station and on the side of the street opposite the entrance to any such station within seventy-five feet (75') of such entrance when properly signposted.

(L) On any sidewalk or parkway.

(M) At any place where official signs prohibit parking. (1978 Code)

(N) All parking of motor vehicles on Illinois Route 122 roadway right of way within the Village limits shall be prohibited.

1. Roadway right of way is defined as those areas existing or acquired by dedication or by fee simply for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect. (Ord., 1981)

(O) In any residentially zoned area, EXCEPT (1) on streets which do not otherwise have prohibited parking; (2) in designated parking areas; (3) in the driveway of any residence, garage or attached accessory building except that any vehicle parked on any street or residentially zoned area for a period of 10 or more days without having been moved on its own power shall be considered "garaging" of said vehicle which shall also be prohibited.

For purposes of this subparagraph "O", the term "vehicle" shall include, in addition to its definition pursuant to the Village Code, construction equipment, tractors and vehicle parts which shall not be stored or parked for a period of 10 or more days in any residentially zoned district.

(P) UNLAWFUL IDLING. Notwithstanding any language contained to the contrary in this Article, with the exception of emergency vehicles, no tractor, truck or bus of gross vehicle weight (GVW) exceeding 14,000 pounds which is parked or standing, shall idle its engine for period exceeding 15 consecutive minutes within the corporate limits of the Village of Hopedale unless said tractor, truck or bus is (a) in the process of making a pick-up or delivery within the Village, or (b) is being serviced wherein the engine is required to be idled.

(Q) UNLAWFUL PARKING: Except when making a pick-up or delivery within the Village, no tractor, truck, or bus of gross vehicle weight (GVW) exceeding 14,000 pounds, or trailer of any weight, shall be parked within the corporate limits of the Village unless said tractor, truck, bus or trailer is in an off-street parking area in a Commercial or Industrial-Zoned District; and further, no tractor, truck trailer or bus shall be parked in front yards or side yards of a residence anywhere within the Village's corporate limits, regardless of zoning classification.

**10-5-2: STREET CLEANING:** It shall be unlawful to park any vehicle on any public street or portion thereof in the Village at any time when such street is being cleaned. Signs indicating that a street or portion thereof is being cleaned shall be posted immediately before the cleaning of the street is finished.

**10-5-3: PARKING DURING SNOWFALL:** It shall be unlawful to park any vehicle on any public street in the Village at any time within twelve (12) hours after a snowfall of three inches (3”) or more has occurred unless said snowfall has ended and said street has been plowed.

**10-5-4: TIME LIMIT PARKING:** Except on Sundays or holidays, it shall be unlawful to park any vehicle for more than one hour in any consecutive period of time between the hours of 8:00 A.M. and 6:00 P.M. in any area designated by ordinance as a restricted parking area.

**10-5-5: 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 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) consecutive hours.

Cars so towed away shall be stored on any Village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expenses incurred by the Village in removing and storing such vehicle or in violation of Sections 10-5-2 or 10-5-3 of this Article.

**10-5-6: PARKING AT CURB:** No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street, other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve inches (12”) of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

**10-5-7: VEHICLES FOR SALE:** It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled.

**10-5-8: ALLEYS:** No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10’) of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

**10-5-9: PARKING MOTOR VEHICLES ON PRIVATE PROPERTY:** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

**10-5-10: SIGNS:** Appropriate signs shall be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

**10-5-11: OPENING VEHICLE DOORS:** No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load and unload passengers.

**10-5-12: PRIMA FACIE PROOF:** The fact that an automobile which is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation.

**10-5-13: PARKING VIOLATIONS:** Any person accused of a violation of an Ordinance prohibiting parking or idling of a vehicle, truck, tractor, trailer or bus in a designated area, or restricting the length of time said vehicle, truck, tractor, trailer or bus may be there parked, may settle and compromise a claim against him or her for such illegal idling or parking by paying to the Village the sum of \$25.00 dollars for the first and second violations and \$100.00 for subsequent violations. Payment shall be made within 72 hours of the time such alleged offense was committed. Such payment may be made at the Village Clerk's office of the Village Hall during regular business hours and receipt shall be promptly turned over to the Treasurer. The members of the Police Department are hereby authorized to refrain from instituting prosecution for the alleged offense involved if said payment is made in a timely fashion as states.

Provided that this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police or Fire Department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance to 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 charged with parking a vehicle so as to entirely obstruct traffic in any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only, nor to any person who refuses to move a vehicle illegally parked at the request of any member of the Police Department wherein the general penalty provisions of this Code apply.

## **ARTICLE VI: CONDITION AND EQUIPMENT OF VEHICLES**

**10-6-1: CLEAR VISION:** It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicles with the view of the roadway to the rear so obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind him.

**10-6-2: GAS AND SMOKE:** It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles.



**10-6-3: UNNECESSARY NOISE:** It shall be unlawful for any person to operate a motor vehicle within the Village in such a manner as to create a noise not necessary for the safe and normal operation of said vehicle and which tends to disturb others.

**10-6-4: DRIVING UNSAFE VEHICLES PROHIBITED:** It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required by Statute, or which is equipped in any manner in violation of the Statutes.

**10-6-5: SPILLING LOAD:** No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the Municipality.

**10-6-6: BRAKES:** It shall be unlawful to drive any motor vehicle upon a street unless such vehicle is equipped with good and sufficient brakes in good working condition, as required by the State traffic law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanics of operating the brakes of such vehicles.

**10-6-7: HORN:** Every motor vehicle shall be equipped with a good and sufficient audible signaling device in efficient working condition. Such signaling device shall be sounded when necessary to give timely warning of the approach of a vehicle, but such horn or other signaling device shall not be sounded for any purpose other than as a warning of impending danger.

No motor vehicle other than an emergency vehicle shall be equipped with a siren or gong signaling device.

**10-6-8: LAMPS ON VEHICLES OWNED BY FIREMEN:** Any motor vehicle fully operated by a fireman may be equipped with not to exceed two (2) lamps which shall emit a blue light as provided by Statute.

**10-6-9: LIGHTS:** It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the State law, provided that vehicles may be parked at nighttime without lights on any street or portion thereof, designated by ordinance as a place where vehicles may be so parked at nighttime.

**10-6-10: MUFFLERS; PREVENTION OF NOISE OR SMOKE:** Every motor vehicle driven or operated upon the highways of the Village shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this Section.



As used in this Section, “muffler” means a device consisting of a series of chambers of baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

**10-6-11: NONSKID DEVICES:** It shall be unlawful to operate on any street any motor vehicle equipped with any nonskid device so constructed that any rigid or nonflexible portion thereof comes into contact with the pavement or roadway.

**10-6-12: WIDTH, LENGTH AND HEIGHT; PROJECTING LOADS:** The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the Illinois State Traffic law.

No passenger type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches (6”) beyond the line of the fenders on the right side thereof.

No combination of vehicles coupled together shall consist of more than two (2) units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such load carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.

No part of the load of a vehicle shall extend more than three feet (3’) in front of the extreme front portion of the vehicle.

**10-6-13: SIGNAL LAMPS AND SIGNAL DEVICES:** Every motor vehicle and trailer having a gross weight of three thousand (3,000) pounds or less, including the weight of the trailer and the maximum load, shall be equipped with a signal lamp or signal device which is so constructed and located on the vehicle as to give a signal of the intention to stop which shall be red or yellow in color, and signals of intention to turn to the right or left, all of which signals shall be plainly visible and understandable in normal sunlight and at night from a distance of one hundred feet (100’) to the rear but shall not project a dazzling or glaring light; except that a stop signal need be visible only from the rear.

Any trailer traveling a gross weight of three thousand (3,000) pounds or less, including the weight of the trailer and maximum load, need not be equipped with such turn signal devices unless the distance from the steering wheel of the towing vehicle to the left outside limits of such trailer body exceeds twenty-four inches (24”).

All mechanical signal devices shall be self-illuminated during the period from sunset to sunrise and when visibility is limited as to require the use of lights for safety.

**10-6-14: TIRES:** It shall be unlawful to operate on any street any motor vehicle which is not equipped with tires conforming to the requirements of the Illinois State Traffic Law.

**10-6-15: WEIGHT:** It shall be unlawful to drive on any street any motor vehicle with a weight including load, in excess of that permitted by the State Traffic Law for driving on improved highways, or with weight distributed in a manner not conforming to such law, or in violation of special weight limits provided for by ordinance and signposted.

**10-6-16: BICYCLES; LAMPS REQUIRED:** Every bicycle, when upon a street, during the period from sunset to sunrise shall be equipped with at least one lighted lamp exhibiting a white light, or light of a yellow or amber tint, visible from a distance of five hundred feet (500') to the front of the bicycle and with at least one lighted lamp exhibiting a red light visible from a distance of five hundred feet (500') to the rear.

**10-6-17: MOTORCYCLES, TRAILERS; LIGHTS REQUIRED:** During the period from sunset to sunrise, or at any time when visibility is so limited as to require the use of lights for safety, every motorcycle operated on any street or other public place in the Village shall carry and exhibit one lighted lamp commonly known as a driving light and every motor vehicle two (2) such lighted lamps showing white lights, or lights of a yellow or amber color visible at least five hundred feet (500') in the direction toward which each motorcycle or motor vehicle is proceeding, and each motor vehicle, trailer or semi-trailer shall also exhibit at least one lighted lamp which shall be so situated as to throw a red light visible for at least five hundred feet (500') in the reverse direction; provided, that every trailer having a gross weight of three thousand (3,000) pounds or less including the weight of the trailer and maximum load shall be equipped with two (2) lights lamps, one on each side of the rear of such trailer which shall be so situated as to throw a red light visible for at least five hundred feet (500') in the reverse direction.

## **ARTICLE VII: DRIVERS**

**10-7-1: TRANSPORTATION OF ALCOHOL IN A MOTOR VEHICLE:** No driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this State except in the original container and with the seal unbroken.

No passenger may carry, possess or have any alcoholic liquor within any passenger area of any motor vehicle upon a highway in this State except in the original container and with the seal unbroken.

This Section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini motor home. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this Section. For the purposes of this Section, a limousine is a motor vehicle of the first division with the passenger compartment enclosed by a

partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification.

The exemption applicable to chartered buses does not apply to any chartered bus being used for school purposes.

**10-7-2: ACCIDENTS:** The driver of a vehicle which has collided with, or been in an accident with any vehicle, person or property in such a manner as to cause injury or damage shall stop immediately, and render such assistance as may be possible, and give his true name and residence to the injured person or any other person requesting the same on behalf of the injured person, or the owner of the property damaged, and to a policeman, if one is present; the driver of each vehicle concerned in any such accident shall report to the nearest police authority promptly after such accident.

## **ARTICLE VIII: GOLF CARTS**

**10-8-1: Definitions:** Golf carts are defined in Section 5/1-123.9 in the Illinois Vehicle Code and recreational off highway vehicles are defined in Section 5/1-168.8 of the Illinois Vehicle Code.

**GOLF CART:** A vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

**RECREATIONAL OFF-HIGHWAY VEHICLE:** Any 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.

In the event the Illinois Vehicle Code is amended after the date of the passage of this Ordinance and the amendment changes the definition of a golf cart or recreational off highway vehicle, such amended definition shall automatically apply to the definition used for the purpose of this chapter.

**10-8-2: Authorization:** Golf carts and recreational off highway vehicles may be operated on streets in the Village of Hopedale subject to all the provisions set forth in 10-8 of this code.

**10-8-3: Requirements:** All persons wishing to operate a golf cart or recreational off highway vehicle (vehicle) on the Village streets must comply with the following requirements:

- (1) Have current liability insurance on the golf cart or vehicle.
- (2) Must be certified with the Village and have the golf cart or vehicle certified with the Village by inspection by the Police Chief.

- (3) Operator of golf cart or vehicle must display Village sticker on the rear of the golf cart or vehicle and which must be displayed as the “slow moving” emblem located at the rear of the golf cart or recreational off highway vehicles at all times.
- (4) Must have a current, valid Illinois driver’s license at all times.
- (5) Golf carts and recreational off highway vehicles must be equipped as follows:
  - (a) Horn;
  - (b) Brakes and brake light;
  - (c) Turn signals
  - (d) A steering wheel apparatus;
  - (e) Tires;
  - (f) Rearview mirror;
  - (g) Approved “Slow Moving Vehicle” emblem on the rear of the vehicle (625 ILCS 5/12-709);
  - (h) Headlight that emits a white light visible from a distance of five hundred (500) feet which must be illuminated when in operation;
  - (i) Tail lamp that emits a red lights visible from at least one hundred (100) feet from the rear which must be illuminated when in operation;
  - (j) Any additional requirements which may be amended to 65 ILCS 5/11-1428 or the Illinois Motor Vehicle Code.
- (6) Operator must obey all traffic laws of the State of Illinois.
- (7) Must be operated only on the Village streets, except where prohibited.
- (8) May not be operated on State highways and County roads except at crossing points.
- (9) Must not be operated in excess of posted speed limit and, regardless, may not exceed thirty (30) miles per hour.

(10) Any person who operates a golf cart or recreational off highway vehicle on the streets of the Village must adhere to all applicable laws concerning the possession and use of alcoholic beverages and all illegal drugs, as well as other state traffic laws.

(11) Golf carts and recreational off highway vehicles shall not be operated on sidewalks or in Village parks other than parking areas except when authorized by the Mayor or Police Chief for special events.

(12) Golf carts and recreational off highway vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 122) except to cross the state highway if the operator of the golf cart makes a direct crossing at an angle of 90 degrees to the direction of the street; the golf cart or recreational off highway vehicle is brought to a complete stop before attempting a crossing; and the operator yields the right of way to all pedestrians and vehicular traffic which constitutes a hazard.

(13) Each golf cart and recreational off highway vehicle may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates.

(14) Golf carts or recreational off highway vehicles are only be allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicapped parking sticker.

(15) Children must be secured in a restraint system as required pursuant to the Child Passenger Protection Act (625 ILCS 25/1 et seq)

**10-8-4: PERMITS:** No person shall operate a golf cart or recreational off highway vehicle without first obtaining a permit from the police department. Permits shall be granted for a period of one (1) year beginning January 1 of each year and must be renewed annually. The cost of the initial permit is fifty dollars (\$50.00). A renewal fee each subsequent year will be twenty dollars (\$20.00). Such fee will be waived for applicants who have disabled parking designation issued by the State of Illinois. Insurance coverage is to be verified in effect by the police department when obtaining and renewing a permit.

Every applicant for a permit shall be made on a form supplied by the Village and shall contain the following information:

- (1) Name and address of applicant.
- (2) Date of birth of applicant.
- (3) Verification of a valid driver's license and driver's license number.

- (4) The serial number, make, model and description of a golf cart or recreational off highway vehicle.
- (5) Name of liability insurance carrier.
- (6) Signed waiver of liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of a golf cart or recreational off highway vehicle on Village streets.
- (7) Photocopy of applicable liability insurance coverage for the vehicle to be operated pursuant to the permit.
- (8) Such other information as the Village may require.

No permit shall be granted unless the following conditions are met:

- (1) The vehicle must be inspected by the Police Chief to ensure that the vehicle is safe to operate on Village streets and is in compliance with this Chapter and with the State of Illinois Morton Vehicle Code.

The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provisions in this Chapter or there is evidence that the permittee cannot safely operate a golf cart or recreational off highway vehicle on the designated roadways.

**10-8-5 PENALTY:** Any person violating any provision of this ordinance shall be fined one hundred and twenty dollars (\$120.00). Any subsequent violation is subject to a fine of two hundred dollars (\$200.00) to seven hundred and fifty dollars (\$750.00). (Ordinance 6-7-13, 2013)

## CHAPTER 11: PERMITS AND LICENSES

### SECTION:

- 11-1: Applications
- 11-2: Person Subject to License
- 11-3: Forms
- 11-4: Signatures
- 11-5: License Year
- 11-6: Building and Premises
- 11-7: Change of Location
- 11-8: Nuisances
- 11-9: Inspections
- 11-10: Revocation
- 11-11: Investigations
- 11-12: Fees
- 11-13: Posting License
- 11-14: Vehicle Tag

**11-1: APPLICATIONS:** Applications for all licenses and permits required by ordinance shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or license applied for.

**11-2: PERSON SUBJECT TO LICENSE:** Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation, shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation or solicits patronage therefore, actively or passively; or performs or attempts to perform any part of any such business or occupation in the Village.

**11-3: FORMS:** Forms for all licenses and permits, and applications therefore, shall be prepared and kept on file by the Village Clerk.

**11-4: SIGNATURES:** Each license or permit issued shall bear the signatures of the President and the Clerk in the absence of any provision to the contrary.

**11-5: LICENSE YEAR:** The license year for the Village shall begin on January 1 and end on December 31 of each year.

**11-6: BUILDING AND PREMISES:** No license shall be issued for the conduct of any business, and no permit shall be issued for anything or act, if the premises and building to be used for the purpose do not fully comply with the ordinance requirements of the Village. No such license or permit shall be issued for the conduct of any business or performance of any act, which would involve a violation of the zoning ordinance of the Village.

**11-7: CHANGE OF LOCATION:** The location of any license business or occupation, or of any permitted act, may be changed; provided ten (10) days' notice thereof is given to the Village Clerk, in the absence of any provision to the contrary; provided, that the building and zoning requirements of the ordinances of the Village are complied with.

**11-8: NUISANCES:** No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

**11-9: INSPECTIONS:** Whenever inspections of the premises which are used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the Municipality whose business is governed by such provision to give to any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.

In addition to any other penalty which may be provided, the Village President may revoke the license of any licensed business in the Village who refused to permit any such officer or employee who is authorized to make such inspection or take such samples to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. Provided, that a license shall not be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

**11-10: REVOCATION:** Any license or permit for a limited time may be revoked by the Village President at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed.



**11-11: INVESTIGATIONS:** Upon the receipt of an application for a license or permit where ordinances of the Village necessitate inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the officer for making such investigation within forty-eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof.

**11-12: FEES:** In the absence of a provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefore is made to the Village Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all license fees shall become a part of the Corporate Fund.

**11-13: POSTING LICENSE:** It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times.

**11-14: VEHICLE TAG:** Whenever the number of vehicles used is the basis of a license fee, the Village Clerk shall furnish each licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted in a conspicuous place on each such vehicle while it is in use.

## CHAPTER 12: AMUSEMENTS

### SECTION:

- 12-1: Application of Provisions
- 12-2: Street Shows
- 12-3: Order, Crowding
- 12-4: Inspections
- 12-5: Exhibition of Criminals
- 12-6: Riots
- 12-7: Exit Lights

**12-1: APPLICATION OF PROVISIONS:** The provisions of this Article shall apply to all public shows, theatricals, circuses and other amusements in the Village, whether specifically licensed in another chapter of this Code or not.

**12-2: STREET SHOWS:** No permit for any circus, exhibition, show or other amusement to be given on any public street or sidewalk or in such a place that only main accommodation for the public or the audience will be in a public place, shall be issued except on order of the President and Board of Trustees.

**12-3: ORDER, CROWDING:** The audience of any amusements, shows or theatricals must be orderly and quiet at all times, and it shall be unlawful for any persons attending any such amusement, show or theatrical to create a disturbance in the audience.

It shall be unlawful to permit or gather such a crowd to witness any amusement or show as to create a dangerous condition because of fire or other risks.

**12-4: INSPECTIONS:** It shall be the duty of the Village President to see that every exhibition, amusement, theatrical or other public show is inspected to insure conformity with the provisions concerning such amusements.

**12-5: EXHIBITION OF CRIMINALS:** It shall be unlawful to exhibit any criminal or the body of any criminal or the exhibition of any person who shall be notorious because of the commission of a crime, in any theatrical, exhibit, carnival or other public show or place.

**12-6: RIOTS:** It shall be unlawful to present in any public amusement or show of any kind anything which tends to or is calculated to cause or promote a riot or disturbance.

**12-7: EXIT LIGHTS:** It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall in which theatricals, shows, amusements, lectures and other entertainments are offered, operated or presented, to provide and place a sign on which the word "EXIT" shall appear in letters at least six inches (6") high, over door or other opening from such hall to every means of egress therefrom, and a light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall.

## CHAPTER 13: DEALERS IN INTOXICATING LIQUORS

### SECTION:

- 13-1: Definitions
- 13-2: Local Liquor Control Commissioner
- 13-3: License Required
- 13-4: Applications
- 13-5: Restriction on Licenses
- 13-6: Term; Prorating Fees
- 13-7: Manner on Payment
- 13-8: Examination of Applicant for Local License
- 13-9: License Fees
- 13-10: Number of Licenses
- 13-11: Disposition of Fees
- 13-12: Renewal of License
- 13-13: Closing Hours
- 13-14: Loitering
- 13-15: Entry Powers
- 13-16: Reserved
- 13-17: List
- 13-18: Transfer of License
- 13-19: Change of Location
- 13-20: Sanitary Conditions
- 13-21: Employees
- 13-22: Location Restrictions
- 13-23: Stores Selling School Supplies, Lunches
- 13-24: Sale by Restaurants
- 13-25: Access from Licensed Premises to Dwelling Quarters
- 13-26: View From Street
- 13-27: Minors, Sale to
- 13-28: Solicitation of Drinks
- 13-29: Sale to Intoxicated Persons, Habitual Drunkards
- 13-30: Revocation, Suspension

**13-1: DEFINITIONS:** Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

**ALCOHOLIC LIQUOR:** Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, containing over one-half of one percent (0.5%) of alcohol by volume, and capable of being consumed as a beverage by a human being.

**RETAIL SALE:** The sale for use or consumption and not for resale.

**ORIGINAL PACKAGE:** Any bottle, flask, jug, cask, barrel, keg, hogshead or other receptacle or container, whatsoever used, corked or capped, sealed and labeled by the manufacturer or alcoholic liquor, to contain any alcoholic liquor.

**RESTAURANT:** Any public place kept, used, maintained, advertised and held out to the public to be a place where meals are served, and where meals are actually 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.

**BOWLING ALLEY:** Any establishment or building, or any part thereof, wherein the game of bowling is played with composition balls and ten (10) pins.

**HOTEL:** Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where meals are actually and regularly served and consumed and where sleeping accommodations are offered for 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 or more public 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 dining room and kitchen equipment and capacity.

**CLUB:** 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 liquor, which conforms to the definition of a club in chapter 43, paragraph 95.24 of the Illinois Revised Statutes.

**LICENSEE:** Any person, firm or corporation or partnership or club holding a license under the provisions of this Chapter.

**13-2: LOCAL LIQUOR CONTROL COMMISSIONER:** The Village President is hereby authorized to be the local Liquor Control Commissioner and shall be charged with the administration of the Dram Shop Act, Liquor Control Act of 1934, 235 ILCS 511 et. scb and of such ordinances and resolutions relating to alcoholic liquor as may be needed. The Village President may appoint a person or persons to assist him in the exercise of the powers and performance of the duties provided for such local Liquor Control Commissioner.

**13-3: LICENSE REQUIRED:** It shall be unlawful to sell or offer for sale in the Village any alcoholic liquor without having a license, or in violation of the terms of such license.

**13-4: APPLICATIONS:** Applications for such licenses shall be made to the local Liquor Control Commissioner. Such applications shall be made in writing, and shall be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

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

(E) The amount of goods, wares and merchandise on hand at the time application is made.

(F) The location and description of the premises or place of business which is to be operated under such license.

(G) A statement as to whether applicant has made similar application for a similar license on premises other than described in this application, and the disposition of such application.

(H) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of the State or ordinances of the Village.

(I) Whether a previous license by State or subdivision thereof, or by the Federal government has been revoked and the reasons therefore.

(J) A statement that the applicant will not violate any of the laws of the State of Illinois or the United States in the conduct of his place of business.

**13-5: RESTRICTION ON LICENSES:** No such licenses shall be issued to:

(A) A person who is not a resident of the Village.

(B) A person who is not of good character and reputation in the community in which he resides.

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

(D) A person who has been convicted of a felony under any Federal or State law. However, the Liquor Control Commissioner may grant a waiver allowing a convicted felon to hold a liquor license if the following conditions are met:

1. The felony conviction is over twenty (20) years old;
2. The felony was a non-violent felony which did not involve bodily injury or the use of a weapon;
3. The applicant passes an FBI (or similar) background check with no problems noted since the conviction.
4. The applicant satisfies the Village Board and the Liquor Control Commissioner that his/her character is good.

(E) A person who has been convicted of being the keeper of or is the keeper of a house of ill fame.

(F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(G) A person whose license issued under this Chapter has been revoked for cause.

(H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license under a first application.

(I) A co-partnership, unless all members of such co-partnership shall be qualified to receive a license.

(J) A 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 corporations, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village.

(K) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required by the licensee.

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

(M) Any law-enforcing public official, Village President, any member of the Board of Trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

(N) Any person, association or corporation not eligible for State retail liquor dealer's license.

**13-6: TERM; PRORATING FEE:** Each such license shall terminate on December 31 next following its issuance. The fee to be paid shall be reduced in proration to the full calendar months which have expired in the year prior to the issuance of the license.

**13-7: MANNER OF PAYMENT:** Annual license fees shall be payable in two (2) equal installments, January 1 and July 1, except for Class C license fees which shall be paid in full each January 1.

**13-8: EXAMINATION OF APPLICANT FOR LOCAL LICENSE:** The local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any application for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by Statute, 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 local Liquor Control Commissioner under this Section, he may authorize his agent to act on his behalf, as provided by Statute.

**13-9: LICENSE FEES:** Every person engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee. Such licenses shall be divided into the following classes:

(A) Class A License: Authorizes the retail sale of alcoholic liquor for consumption on the premises, as well as for consumption off the premises. The annual fee for such license shall be five hundred dollars (\$500.00).

(B) Class C: License for the sale of alcoholic liquor for consumption off premises only. The annual fee for such license shall be five hundred dollars (\$500.00). (Ordinance 10-16-17A, 2017)

**13-10: NUMBER OF LICENSES:** There shall be issued in the Village no more than one (1) Class "A" licenses; and one Class "C" license to be in effect at any time, for each one thousand (1,000) residents of the Village.

**13-11: DISPOSITION OF FEES:** All such fees shall be paid to the Village Clerk at the time application is made and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the General Corporate Fund or in such other Fund as shall have been designated by the Village President and Board of Trustees for proper action.

**13-12: RENEWAL OF LICENSE:** Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purposes; provided further, that the renewal privilege herein



provided for shall not be construed as a vested right which shall in any case prevent the Village President from decreasing the number of licenses to be issued within his jurisdiction. The renewal fee for such license shall be five hundred dollars (\$500.00). (Ordinance 10-16-17A, 2017)

**13-13: CLOSING HOURS:** It shall be unlawful to sell any alcoholic liquor at retail in the Village between the hours of 12:01 A.M. and 6:00 A.M., on any day, except that on Saturday, the closing hours shall be from 2:00 A.M. to 6:00 A.M. and on Sunday from 2:00 A.M. to 12:01 P.M.

**13-14: LOITERING:** It shall be unlawful to allow permit persons to be within a place where alcoholic liquor is sold for consumption when said establishment is required to be closed by this Chapter, except for the owner or operator thereof, his agents and servants, his immediate family and other persons performing services necessary for the maintenance and operation of the establishment, except those establishments whose principal source of revenue is the sale of food or other commodities may be open to the public at 9:00 A.M. on Sundays for the sale of food or other commodities only.

**13-15: ENTRY POWERS:** The local Liquor Control Commissioner hereby is given the power 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 the Liquor Control Act of 1934 or any rules or regulations adopted by him or by the State Liquor Commissioner have been or are being violated, and at such time to examine the premises of said licensee in connection therewith.

**13-16: RESERVED:**

**13-17: LIST:** The local Liquor Control Commission shall keep or cause to be kept a complete record of all such licenses issued by him.

**13-18: TRANSFER OF LICENSE:** A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as is in this Chapter provided, and shall not constitute property, nor shall it be subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate or intestate devolution, it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased of insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but no longer than six (6) months, after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the license shall be prevented from operating under such license in accordance with the provisions of this paragraph.

Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes.

**13-19: CHANGE OF LOCATION:** A liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed

only upon written permit to make such change issued by the Village President. 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 Statutes of the State and the ordinances of the Village.

**13-20: SANITARY CONDITIONS:** All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

**13-21: EMPLOYEES:** It shall be unlawful for any person to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal diseases; and it shall be unlawful for any person afflicted with or who is a carrier of any such disease to work in or about any such premises or to engage in work in or about any such premises or to engage in any way in the handling, preparation or distribution of such liquor.

**13-22: LOCATION RESTRICTIONS:** No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged, or indigent person or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to clubs, or restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if such place of business not exempted shall have been established for such purpose prior to the taking effect of this Chapter; nor to the renewal of a license for the sale of alcoholic liquor on premises within one hundred feet of any church where such church has been established within such one hundred feet (100') since the issuance of the original license.

**13-23: STORES SELLING SCHOOL SUPPLIES, LUNCHESES:** 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.

**13-24: SALE BY RESTAURANTS:** It shall be unlawful for any restaurant licensed to sell alcoholic liquor to sell such liquor except with meals.

**13-25: ACCESS FROM LICENSED PREMISES TO DWELLING QUARTERS:** Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for any use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

**13-26: VIEW FROM STREET:** In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in restaurants, hotels or clubs, or any bowling alley other than one situated on the first or ground floor, no screen, blind, curtain, partition, article or thing shall be

permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises, and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk. All rooms where alcoholic liquor is sold for consumption on the premises, shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or obstructed, such license may be revoked in the manner herein provided. In order to enforce the provisions of this Section, the local Liquor Commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

**13-27: MINORS, SALE TO:** It shall be unlawful for any person under the age of twenty-one (21) years to purchase or obtain any alcoholic liquor in any tavern, or other place in the Village where alcoholic liquor is sold.

It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

In every tavern or other place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Village Clerk and which shall read substantially as follows:

**“WARNING TO MINORS**

You are subject to a fine up to \$750.00 under the ordinances of the Village of Hopedale if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.”

It shall be unlawful for any holder of a retail liquor dealer’s license, or his agent or employee, to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided, that this paragraph shall not apply to any minor who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of service or other commodities than alcoholic liquor.

In addition to all other fines and penalties, the Village President may revoke the retail liquor dealer’s license for any violation of the above paragraph.

It shall be unlawful to sell, give or deliver alcoholic liquors to any minor.

**13-28: SOLICITATIONS OF DRINKS:** It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor or to have alcoholic liquor in his possession.

If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

**13-29: SALE TO INTOXICATED PERSONS, HABITUAL DRUNKARDS:** It shall be unlawful for the holder of any alcoholic liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be a habitual drunkard, spendthrift, insane, feeble-minded or distracted person.

**13-30: REVOCATION, SUSPENSION:** The Village President may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license or impose a fine for any violation of any provision pertaining to the sale of alcoholic liquor, as provided in the Liquor Control Act in Illinois Compiled Statutes.

## CHAPTER 14: PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS

### SECTION:

#### Article I. Peddlers

- 14-1-1: Definition
- 14-1-2: License Required
- 14-1-3: Marking of Vehicles
- 14-1-4: Calling Out, Noise-Making Devices
- 14-1-5: Certain Persons Exempt From Provisions

#### Article II. Solicitors

- 14-2-1: Definition
- 14-2-2: Persons Exempt from Article
- 14-2-3: Compliance with Article Required
- 14-2-4: Requirements as to Orders Taken

#### Article III. Itinerant Merchants

- 14-3-1: Definitions
- 14-3-2: Compliance with Article Required
- 14-3-3: Persons Exempt from Article

#### Article IV. Licensing of Peddler, Solicitors, and Itinerant Merchants

- 14-4-1: License Requirement and Types of Licenses
- 14-4-2: Application
- 14-4-3: Regulations on the Conduct of Licensees
- 14-4-4: Appeal Procedure
- 14-4-5: Violation of Other Laws or Regulations
- 14-4-6: Exemptions from Application and License Requirements
- 14-4-7: Festivals and Special Events

### ARTICLE I: PEDDLERS

**14-1-1: DEFINITION:** Any person who sells or offers for sale, barter or exchanges any goods, wares, food items, merchandise or services of any kind (1) while traveling from place to place in, along or upon the streets, alleys or sidewalks of the Village of

Hopedale; or (2) from any public place within the Village shall be deemed a “peddler”. (Ordinance 9-19-16, 2016)

**14-1-2: LICENSE REQUIRED:** It shall be unlawful for a person to engage in business as a peddler without first obtaining a license so to do.

**14-1-3: MARKING OF VEHICLES:** Every wagon, cart or other vehicle used by a person licensed or not, shall be conspicuously and permanently marked with the name of such person and with the number of his license.

**14-1-4: CALLING OUT, NOISE-MAKING DEVICES:** No person, whether he has a peddler’s license under this Article, in going along the streets, alleys, highways or public places of the Village, shall call out, cry or by any device make any noise or blow any horn, to call attention to the sale of any goods, wares, merchandise or any article or thing whatsoever.

**14-1-5: CERTAIN PERSONS EXEMPT FROM PROVISIONS:** This Article shall not be so construed as to prevent any farmer, fruit or vine grower and gardener from the right to sell the produce of his farm, orchard, vineyard and garden within the Village, in any quantity he may think proper, without obtaining a license therefore; nor shall the same be so construed as to make it a penal offense for children under the age of twelve (12) years to peddle apples or other fruit; provided, that they do not occupy a stand; nor shall it be so construed as to apply to the peddling of newspapers.

## **ARTICLE II: SOLICITORS**

**14-2-1: DEFINITION:** A “solicitor” is hereby defined to be any person who engages in one or more of the following activities within the Village of Hopedale: (1) seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind; (2) seeking to obtain perspective customers for application or purchases of insurance or financial services of any type, kind or character; (3) seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or (4) seeking to obtain gifts or contributions of money, clothing or any other valuable thing. (Ordinance 9-19-16, 2016)

**14-2-2: PERSONS EXEMPT FROM ARTICLE:** The provisions of this Article shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business.

**14-2-3: COMPLIANCE WITH ARTICLE REQUIRED:** It shall be unlawful for any person to engage in business as a solicitor, as defined in this Article, within the Village until the provisions of this Article have been complied with.

**14-2-4: REQUIREMENTS AS TO ORDERS TAKEN:** All orders taken by solicitors within the Village shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance. One copy of such order shall be given to the purchaser.

### **ARTICLE III: ITINERANT MERCHANTS**

**14-3-1: DEFINITIONS:** The term “itinerant merchant” is hereby defined to be any person engaging temporarily in the retail or wholesale sale of goods, services, wares or merchandise in any place within the Village of Hopedale and who, for the purpose of conducting such business, occupies any lot, building, room or structure of any kind. For the purposes of this definition, “temporarily” shall mean for a period of time not exceeding one hundred (100) days in a calendar year. A person who is a peddler is not an itinerant merchant. A person operating a store or stand at any fair or special event declared exempt from the provisions of this Chapter by the Village Board of the Village of Hopedale is not an itinerant merchant. (Ordinance 9-19-16, 2016)

**14-3-2: COMPLIANCE WITH ARTICLE REQUIRED:** It shall be unlawful for any person to engage in business as an itinerant merchant as defined by this Article, within the Village, until the provisions of this Article have been complied with.

**14-3-3: PERSONS EXEMPT FROM ARTICLE:** The provisions of this Article shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business.

### **ARTICLE IV: LICENSING OF PEDDLER, SOLICITORS AND ITINERANT MERCHANTS.**

#### **14-4-1: LICENSE REQUIREMENT AND TYPES OF LICENSES:**

(A) It shall be unlawful for any person to act as a peddler, itinerant merchant or solicitor in the Village of Hopedale, without having first obtained a license therefor as provided herein.

(B) The fee for the license required by this Chapter shall be set        by the Board of Trustees.

(C) No license issued under this Chapter shall be transferable.

(D) There shall be three classes of licenses available to peddlers, itinerant merchants and solicitors as follows:

1. Daily License. A daily license shall be effective for the one calendar day specified on the face of the license. The license shall be effective at 12:01a.m.        on the specified day and shall expire at 11:59p.m. on that same day.

2. Monthly License. A monthly license shall be available for the one calendar month specified on the face of the license. The license shall be effective at 12:01a.m. of the first day

of the calendar month and shall expire at 11:59 p.m. on the last day of the calendar month.

3. Yearly License. A yearly license shall be effective for the one calendar year specified on the face of the license. The license shall be effective at 12:01 a.m. on January 1st of the given year and shall expire at 11:59 p.m. on December 31st of the given year.

#### **14-4-2 APPLICATION:**

(A) Application for licenses required by Section 14-4-1 of this Chapter shall be made in writing to the Village Clerk or his or her designee and shall state thereon:

1. The name and permanent address of the applicant;
2. The kind of merchandise or nature of service to be sold or contracted for;
3. The proposed area or place where the business is sought to be conducted;
4. The proposed hours during which business will be conducted;
5. The state sales tax number of the operator;
6. A description of the vehicle to be used in the conduct of said business, if any, along with the license plate number of the same;
7. Whether the applicant has ever been convicted of the commission of a felony; and
8. In the case of a corporation or firm, the name of the corporation or firm, its permanent business address and the names of the principal officers of the same.

In addition, all applicants shall be required to furnish state issued photo identification to the Village Clerk.

(B) Upon receipt of the application, the Chief of Police shall make an investigation of the applicant's business responsibility for the protection of public welfare and safety. The license shall not be issued to an applicant who has been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States within five years of the date of the application nor to any person who has been convicted of the violation of any provisions of this Chapter, nor to any person whose license issued hereunder had previously been revoked as herein provided. The Chief of Police shall approve or deny the application within thirty days of receipt of the application. The Village of Hopedale shall inform the applicant of approval or denial.

(C) Upon the approval of the Chief of Police, the Village Clerk shall issue the requested license and shall cause the same to be delivered to the applicant. Licenses issued hereunder



shall state the expiration date thereof.

#### **14-4-3: REGULATIONS ON THE CONDUCT OF LICENSEES:**

- (A) Any person receiving a license hereunder shall prominently display said license on his or her person at all times when engaged in business in the Village.
- (B) Every vehicle or conveyance used by a person licensed hereunder shall be conspicuously marked with the name of the license holder or his or her employer. This provision shall apply to peddlers only.
- (C) It shall be unlawful to engage in soliciting or peddling prior to 9:00a.m. or after 7:00p.m.
- (D) It shall be unlawful for itinerant merchants to conduct their business upon public streets, alleys or other public locations in the Village unless a specific location has been approved in advance by the Village Board of the Village of Hopedale.
- (E) Any person licensed pursuant to this Chapter shall display his or her license upon the demand of any police officer or upon the request of any person whose premises he or she seeks to enter.

#### **14-4-4: APPEAL PROCEDURE:**

- (A) Any person whose application for a license is denied or whose license granted under this Chapter is revoked as provided herein shall have the right to appeal to the Board of Trustees. The appeal shall be taken by filing with the Board of Trustees within fourteen (14) days after notice of the decision has been mailed to such person's last known address a written statement setting forth the grounds for appeal. The Board of Trustees shall set the time and place for hearing. Notice for such hearing shall be mailed to the aggrieved individual at his or her last known address at least ten (10) days prior to the date set for the hearing.
- (B) The order of the Board of Trustees after the hearing shall be final.

**14-4-5: VIOLATION OF OTHER LAWS OR REGULATIONS:** Any license holder who violates any ordinance, state statute, federal law or any government agency rule or regulation shall upon notice of such violation immediately cease selling all products or property and on demand by the Village President, surrender his or her license to the Village at which time it shall be considered void.

**14-4-6: EXEMPTIONS FROM APPLICATION AND LICENSE REQUIREMENTS:** The following shall be exempt from the application and license process ordinarily required by this Chapter:

- (A) Prior Invitation. Any person who, for the purpose of selling or taking orders for the sale of

merchandise or services, has been previously invited by the occupant of a residence to call thereon.

(B) Farmers. Any person whose principal occupation is that of a farmer who sells products of their own farm, vineyard, orchard or garden.

(C) Garage Sales. Any person who, outside their usual employment, conducts the casual sale of tangible personal property on private property, which sale is advertised by any means whereby the public at large is or can be made aware of said sale; provided, however, that any person conducting a garage sale or similar casual sale more than four times within a twelve month period or more than four consecutive calendar days at any occurrence shall not be exempt from the application and license provisions of this Chapter.

(D) Not-for-Profit Entities. Any government entity, not-for-profit corporation or organization, religious organization or school-related activity.

(E) Local Regular Route-Based Sales. Businesses with a permanent or physical place of business within fifty miles of the Village of Hopedale and who have an established and regular route for delivering retail products to the Village of Hopedale.

(F) Children. Sales by any person under the age of twelve years old.

**14-4-7: FESTIVALS AND SPECIAL EVENTS:** The Village Board may from time to time enact rules and regulations establishing the procedure and requirements for declaring festivals and special events exempt from some or all of the provisions of this Chapter. (Ordinance 9-19-16, 2016)

## CHAPTER 15: MUNICIPAL OCCUPATION TAXES

### SECTION:

#### Article I. Municipal Retailers' Occupation Tax

- 15-1-1: Tax
- 15-1-2: Report
- 15-1-3: Payment to State
- 15-1-4: Exclusion
- 15-1-5: Exclusion a-1

#### Article II. Municipal Service Occupation Tax

- 15-2-1: Tax Rate
- 15-2-2: Account
- 15-2-3: Payment
- 15-2-4: Exclusion
- 15-2-5: Exclusion; Farm Machinery

### ARTICLE I: MUNICIPAL RETAILERS OCCUPATION TAX

**15-1-1: TAX:** A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the Village 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, in accordance with the provisions of the Illinois Compiled Statutes.

**15-1-2: REPORT:** Every such person engaged in such business in the Village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by the Illinois Compiled Statutes.

**15-1-3: PAYMENT TO STATE:** At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

**15-1-4: EXCLUSION:** The exclusion contained in Section 2 (d) of the “Retailers’ Occupation Tax Act” approved June 28, 1922, as amended, shall not apply property within the Village.

**15-1-5: EXCLUSION A-1:** Exclusion a-1 contained in Section 2 of the “Retailer” Occupation Tax Act” approved June 28, 1933, as amended, shall not apply to persons engaged in the business of selling tangible personal property at retail within the Village.

## **ARTICLE II: MUNICIPAL SERVICE OCCUPATION TAX**

**15-2-1: TAX RATE:** A tax is hereby imposed upon all persons engaged in the Village in the business of making sales of service at the rate of one percent (1%) of the cost price of all tangible personal property transferred by said serviceman either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of the Illinois Compiled Statutes.

**15-2-2: ACCOUNT:** Every supplier or serviceman required to account for Municipal service occupation tax for the benefit of the Municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue.

**15-2-3: PAYMENT:** At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.

**15-2-4: EXCLUSION:** The exclusion contained in section 2 (e) of the “Service Occupation Tax Act” approved July 10, 1961, as amended, shall not apply to property within the Village.

**15-2-5: EXCLUSION; FARM MACHINERY:** The farm machinery and equipment exclusion, contained in section 3 of the “Service Occupation Tax Act,” approved July 10, 1961, as amended, shall not apply to all persons engaged in the business of making sale of service within the Village.

## CHAPTER 16: ANIMALS

### SECTION:

#### Article I. General Provisions

- 16-1-1: Definitions
- 16-1-2: Authority of Animal Control Officer
- 16-1-3: Restraint of Dogs, Cats and Other Animals
- 16-1-4: Animals as Nuisances
- 16-1-5: Keeping Animals; Limitations on Number of Dogs and Cats
- 16-1-6: Biting Animals
- 16-1-7: Confinement and Possession of Dangerous, Diseased or Vicious Animals
- 16-1-8: Killing or Attacking Animals Prohibited; Exceptions
- 16-1-9: Cruelty to Animals Prohibited
- 16-1-10: Cock Fighting, Dog Fighting Prohibited
- 16-1-11: Disposal of Dead Animals
- 16-1-12: Injured Animals; Animals Found Dead on Public Ways

#### Article II. Dog Inoculation; Licensing

- 16-1-13: Inoculation of Dogs; Inoculation Tag Affixes to Collars
- 16-1-14: Duration of Inoculation
- 16-1-15: Exhibition of Certificate on Request

#### Article III. Administration; Enforcement

- 16-1-16: Interference with Enforcement Prohibited
- 16-1-17: Authority to Impound Animals and Enter Onto Private Property
- 16-1-18: Impoundment of Animals Which Have Bitten Persons
- 16-1-19: Redemption of Impounded Animals
- 16-1-20: Disposition of Animals
- 16-1-21: Issuance of Citations to Persons in Violation
- 16-1-22: Procedures Relevant to Citations
- 16-1-23: Prosecution of Violations
- 16-1-24: Penalty

## ARTICLE I: GENERAL PROVISIONS

**16-1-1: DEFINITIONS:** For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ANIMAL:** All animals, including cats and dogs, mammals, reptiles, birds, and fish, unless the section limits the application to a particular species of animal.

**ANIMAL CONTROL OFFICER:** The Tazewell County Animal and Rabies Control Officer, Chief of Police, or any other person, firm, or entity designated by the Village Board of Trustees for animal control. The Tazewell County Animal and Rabies Control Office or any other entity which contracts with the Village of Hopedale, may fully enforce all of the provisions of this Chapter and take all actions that are required under this Chapter as provided herein:

**AT LARGE:** Any animal not under “restraint” as defined in this Section.

**BITE:** To seize or cut with the teeth.

**CONFINEMENT STRUCTURE:** A pen, kennel, fenced yard or structure designated and constructed for the keeping of an animal and which shall be designed, constructed and maintained in accordance with the standards herein. Such pen, kennel, fenced yard or structure must have secure sides. All structures used to confine animals must be securely locked when such animals are within the structure. All structures erected to house dangerous or vicious animals must comply with all zoning and building regulations of the Village and have secure tops, a key locked gate and buried sides at least 2’ into the ground. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition. In addition to the confinement of a dangerous or vicious animal in a confinement structure, a diseased, dangerous or vicious animal may be confined indoors, but such diseased, dangerous or vicious animal may not be kept on a porch, patio or any part of a house or structure that could allow the animal to exit the structure on its own volition. In addition, if a diseased, dangerous or vicious animal is kept confined indoors, the house or structure may not have windows open or have screen windows or screen doors as the only obstacle preventing the diseased, dangerous or vicious animal from exiting the structure.

The only time that a diseased, dangerous or vicious animal may be allowed out of indoor confinement or a confinement structure is as follows:

- (A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or animal;
- (B) The seller gives away the dog or animal; or
- (C) To comply with the order of a court of competent jurisdiction.

**DANGEROUS ANIMAL:** In addition, any animal (including any breed or mix-breed of dog which when either un-muzzled, unleashed or unattended by its owner or keeper, or a member of the owner or keeper's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places or private property not owned or controlled by the owner.

**DEPARTMENT OF AGRICULTURE:** The State of Illinois Department of Agriculture.

**DISEASED ANIMAL:** Any animal infected with a contagious or infectious disease.

**DOG:** All animals, regardless of sex, of the canine species.

**FIGHT:** A prearranged conflict between two (2) or more animals, but shall not include a conflict that is unorganized or accidental.

**INOCULATION AGAINST RABIES:** The injection, subcutaneously or otherwise, as approved by the Department of Agriculture, of the canine anti-rabies vaccine approved by the Department.

**K-9 PATROL DOG OR POLICE DOG:** A professionally trained dog used for law enforcement purposes and activities.

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

**MUZZLE:** A device constructed of a strong soft material or metal muzzle designed to prevent the animal from biting any person or other animal. The muzzle must be made in a manner which will not cause injury to the animal or interfere with his vision or respiration, but must prevent it from biting any person or other animal.

**NIP:** To pinch or squeeze with teeth with no breaking of skin or tissue.

**OWNER OR KEEPER:**

(A) A person having a right of property in an animal, who keeps or harbors such animal, who cares for or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by such person.

(B) Any person harboring or keeping an animal in the Village for a period of five (5) days or more shall be presumed to be the owner of such animal.

**POUND:** The County Pound or other facility approved by the Animal Control Officer for the impoundment of animals.

**PUBLIC ENTRANCE:** The entranceway of a residence or other building closest to the public street or sidewalk or one which would be reasonably perceived by the public to be the entrance to the dwelling available for public use.

**RESTRAINT:** An animal is under restraint if it is:

- (A) Attached to a leash held by a responsible person;
- (B) Under the effective voice control of a responsible person;
- (C) Attached to a structure or fixture in such a manner that it is unable to reach beyond the limits of the owner's or keeper's property and is unable to reach or molest service persons or casual visitors to the owner's or keeper's property using the public entrance or persons placing mail in the mailbox or delivering newspapers at the request of the owners' or
- (D) Enclosed in a fenced yard from which it is unable to escape without assistance from a person.

**SEVERE INJURY:** Any physical injury that results in a broken bone or disfigurement and lacerations requiring multiple sutures or cosmetic surgery.

**VICIOUS ANIMAL:** Any animal which shall at any time have bitten any human being; or whom the owner or keeper should reasonably know to have dangerous propensities and to pose a threat to the public; or which has been or is trained to attack persons or animals on command; or which at any time has killed or seriously injured another domestic animal.

**WORKING DAY:** Any day when the office or public entity referred to was open for the transaction of business.

**16-1-2: AUTHORITY OF ANIMAL CONTROL OFFICER:** Without limiting those powers and duties prescribed by law and ordinance, the Animal Control Officer shall:

- (A) Exercise the power and perform the duties contained in this Chapter.
- (B) Impound animals pursuant to provisions of this Chapter at the County Animal Pound or other facility established by the Animal Control Officer.

**16-1-3: RESTRAINT OF DOGS, CATS AND OTHER ANIMALS:**

- (A) The owner or keeper of a dog, cat or other animal shall keep the animal under restraint at all times and shall not permit such animal to be at large.
- (B) No person shall allow any animals except as otherwise provided by the zoning or other ordinance of the Village to be at large anywhere within the Village. Animals or fowl herded or the animals tethered for grazing purposes shall be deemed to be at large.



(C) When not held on a leash, all dogs and other animals shall be securely confined in a confinement structure which does not allow the confined animal to come in contact with any other persons or animals.

#### **16-1-4: ANIMALS AS NUISANCES:**

(A) The owner or keeper shall not suffer or permit any animal to bark, howl, cry or make other distressing or loud or unusual noise or to disturb the peace or quiet of any place, neighborhood, family or person in the Village. The disturbing of any neighborhood or persons by any such animal is declared to be a nuisance, and no person shall suffer or permit any such nuisance to exist.

(B) In addition to the general restrictions of subsection A of this Section, for the purpose of this Section, an owner or keeper is in violation of this Section if he permits a dog to bark in a substantially continuous manner between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. for a period of more than fifteen (15) minutes, or who allows such animal to bark for numerous periods of time, regardless of duration, at any time of day or night, so as to disturb the quiet of the neighborhood or of particular neighbors.

(C) In case any animal shall be declared vicious or repeatedly disturb the peace or quiet of any place or neighborhood or become a nuisance as defined in this Chapter, the Village may petition the Circuit Court for an order to destroy the animal.

**16-1-5: KEEPING ANIMALS; LIMITATIONS ON NUMBER OF DOGS AND CATS:** Any pen, stable, or place in which animals are housed or kept which is unreasonably offensive to persons residing in, or passing along any street or alley near, the vicinity of the same, due to associated debris or odors, or which constitute a hazard to the health of persons residing nearby, is declared to be a nuisance. No person or entity shall permit more than four (4) dogs or more than six (6) dogs and cats (combined), to remain within the Village under his control at any one time. This Section applies only to dogs and cats over the age of six (6) months. Notwithstanding the above, in no event shall a person have under his control, more than 8 dogs or cats combined, regardless of age.

**16-1-6: BITING ANIMALS:** No owner or keeper of an animal shall suffer, permit, or fail to prevent an animal from biting or attacking a person or another animal resulting in injury to the person or animal attacked; provided that such an attack on a person who is or reasonably appears to be in the commission of an act made punishable under the State criminal code is not prohibited if the animal is acting in the reasonable defense of the owner or keeper or his family or premises, and the animal remains on its premises and the victim of the attack exceeds the age of 13. For purposes of this Section, it is not necessary that the person bitten or attacked be arrested or convicted of a criminal offense.

**16-1-7: CONFINEMENT AND POSSESSION OF DANGEROUS, DISEASED OR VICIOUS ANIMALS:**

(A) Confinement Required: Except as otherwise provided herein, no person shall permit any vicious or dangerous animal to run at large nor lead any such animal with a chain, rope or other device whether such animal is muzzled or unmuzzled on any street, avenue, lane, highway or public place.

(B) Possession: No person shall possess any vicious animal more than 48 hours after notice has been given said person that the animal is declared “vicious”.

(C) Impoundment: Vicious or dangerous animals which are not confined in a confinement structure shall be impounded:

(D) Diseased Animals: No diseased animal shall be allowed to run at large, or to be exposed in any public place whereby the health of a man or animal may be affected, nor shall such diseased animal be shipped or removed from the premises of the owner thereof except under the supervision of the Animal Control Officer or County Veterinarian. Any diseased animal so found to be at large shall be impounded as provided in subsection H of this Section.

(E) Violations: It shall be unlawful for the owner, keeper or harbinger of any vicious or dangerous animal to fail to comply with the requirements and conditions herein contained. Any vicious or dangerous animal found to be subject to this Chapter and in violation of its provisions shall be subject to immediate seizure and impoundment. Vicious animals which have been declared vicious found running at large shall be destroyed within 7 days of capture. In addition, failure to comply with this Chapter may result in the immediate removal of any animal from the Village.

(F) Determination: An animal shall be determined to be dangerous or vicious as herein provided:

1. The definition of a dangerous or vicious animal is set forth in Section 16-1-1 of this Article. Any such dangerous or vicious animal shall be immediately impounded.

2. In the event that the Animal Control Officer or a law enforcement officer has probable cause to believe that an individual animal is a dangerous or vicious animal, the President of the Board of Trustees of the Village may convene a hearing for the purpose of determining whether the individual animal in question shall be declared a dangerous or vicious animal and to determine whether the animal constitutes a significant threat to the public health and safety. Prior to conducting a hearing, the President shall conduct or cause to be conducted an investigation and shall provide reasonable notification of the hearing to the owner if known.

3. Following notice to the owner and prior to the date set for hearing, in the event that a law enforcement agent or the Animal Control Officer has probable cause to believe that an individual animal is a dangerous or vicious animal and may pose an immediate threat or serious harm to human beings or other domestic animals, the law enforcement agent or Animal Control Officer may seize and impound the animal pending disposition of the hearing. The owner of the animal shall be responsible for payment to the Village for the costs and expenses of keeping the animal.

4. The hearing shall be held within not less than five (5) or more than ten (10) days after service of notice upon the owner of the individual animal, if known. The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner (if found) shall have the opportunity to present evidence on behalf of his animal setting forth reasons why the animals should not be declared a dangerous or vicious animal and not determined to be a significant threat to the public health and safety if returned to its owner. The President of the Board of Trustees may decide all issues for or against the owner of the animal regardless of whether the owner appears at the hearing.

5. Within five (5) days after the conclusion of the hearing, the President of the Board of Trustees shall make his determination of the status of the individual animal. The owner, if found, shall then be notified in writing of the determination by the President of the Board of Trustees.

(G) Licensing of Dangerous Animals:

1. No person shall possess any dangerous animal for a period of more than forty-eight (48) hours without having first obtained a license therefore from the Village.

2. An application for a license to possess a dangerous animal shall be filed with the Village on a form prescribed and provided by the Village and shall be accompanied by all of the following:

a. Verification of the identity of the owner and current address by providing a photo static copy of the owner's driver's license.

b. Proof of ownership of the dangerous animal.

c. A copy of the current immunization and health record of the dangerous animal prepared by a veterinarian licensed to practice in the State.

d. A certificate of insurance evidencing coverage in an amount not less than fifty thousand dollars (\$50,000.00), insuring said person against any claims, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dangerous animal.

e. Two (2) photographs of the dangerous animal to be licensed taken not less than one month before the date of application. One photograph shall provide a front view of the dangerous animal and shall clearly show the face and ears of the dangerous animal. One photograph shall show a side view of the dangerous animal.

f. A license fee of fifty dollars (\$50.00) which shall be paid by May 1 of each year the animal resides in the Village.

g. Such other information as may be required by the Village Clerk.

3. Upon receipt of an application, the Village Clerk shall forward such application to the Police Department or Animal Control Officer which shall cause an inspection of the premises on which the dangerous animal shall be kept to determine that all provisions of this Chapter relating to confinement and posting of signs have been complied with by the applicant. Upon completion of the inspection, the Police Department or Animal Control Officer shall notify the Village Clerk, in writing, of the results of the inspection.

4. Upon receipt of the results of the Police Department or Animal Control Officer inspection, the Village Clerk shall notify the applicant of the approval or denial of the license. In the event the license is denied, the notification shall be provided in writing and the reasons for such denial shall be stated. Upon denial, the owner or keeper of the dangerous animal shall remove the dangerous animal from the Village within forty-eight (48) hours. Upon approval, the Village Clerk shall issue a license to the applicant.

5. All animals declared vicious shall be removed from the Village within 48 hours of notice to the owner or person in possession of the animal.

(H) Impoundment and Destruction of Diseased; Dangerous or Vicious Animals:

1. Any diseased, or dangerous animal that is not properly confined in a confinement structure or confined indoors shall be impounded by the Animal Control Officer or any law enforcement authority; provided, however, that if the Village Animal Control Officer reasonably believes that such animal poses an immediate threat of severe injury to a person, such officials are authorized to kill such animal. Any diseased or dangerous animal found to be running at large by any member of the Village Police Department or Animal Control Officer shall be presumed to be in violation of this Section and shall be subject to impoundment. Any animal previously declared vicious found running at large shall be destroyed within 7 days of capture without notice to owner or Order of Court.

2. If the incident giving rise to the impoundment has resulted in an injury to a person, the Animal Control Officer or Chief of Police, or his designee, shall notify the Rabies Control Office of the County pursuant to 510 Illinois Compiled Statutes 5/12, as amended, and shall transfer control of the diseased, dangerous or vicious animal to the officer in accordance with 510 Illinois Compiled Statutes 5/13, as amended.

3. Any animal which attacks a human being or other domestic animal may be ordered destroyed in an expeditious and humane manner, when in the court's judgment, such dog represents a continuing threat of serious harm to human beings or other domestic animals. However, prior to the destruction of the animal, control of the animal must be transferred to the Officer pursuant to subsection H2 of this Section.

4. Any diseased, dangerous or vicious animal which has previously been impounded for not properly being confined or for running at large, or which has previously bitten or attacked a human being or other domestic animal without provocation, shall be ordered destroyed in an expeditious and human manner upon any subsequent violations of those subsections or upon any subsequent unprovoked attack or bite.

5. Any dog which attacks a human being, which results in severe injury shall automatically be destroyed in an expeditious and humane manner.

(I) Sale or Transfer of Ownership Prohibited: No person shall sell, barter, offer to breed or in any other way dispose of a diseased or dangerous animal to any person within the Village unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such diseased or dangerous animal; provided that the registered owner of a diseased or dangerous animal may sell or otherwise dispose of a diseased or dangerous animal or the offspring of such diseased or dangerous animal to persons who do not reside within the Village provided they give written notice to the person who will be receiving the diseased or dangerous animal that such dog has been deemed a diseased or dangerous animal under this Chapter. Any transfer of an animal declared “vicious” shall be accompanied by a written notice to the transferee that said animal has previously been declared “vicious.”

(J) Animals Born of Diseased, Dangerous or Vicious Animals: All offspring born of diseased, dangerous or vicious animals within the Village must be removed from the Village within 48 hours of the birth of such animal.

(K) Reporting Requirements of Licensees:

1. Any person holding a license pursuant to subsection G of this Section shall report the incidence of any of the following events:

a. The sale, barter, exchange, gift or death of any diseased or dangerous animal shall be reported within forty-eight (48) hours.

b. The escape from confinement of any diseased, dangerous or vicious animal shall be reported upon discovery of the escape.

c. The biting or nipping of any person or animal by a diseased, dangerous or vicious animal shall be reported upon occurrence.

d. The birth of any offspring of a diseased, dangerous or vicious animal shall be reported within forty-eight (48) hours of the birth of the offspring.

e. The permanent removal of any diseased, dangerous or vicious animal from the territorial limits of the Village shall be reported within forty-eight (48) hours of such removal by surrender of the license of the owner to the Village Clerk.

2. Except as otherwise provided in this Section, the report of any incident required to be reported under this subsection shall be made to the Village Police Department.

3. Further, all animal owners, whether or not their animal is licensed as a dangerous animal, receiving notice or having knowledge that their animal has bitten or attacked a human being or domestic animal without provocation shall immediately notify the Police Department or the Animal Control Office of said incident.

(L) Sign Required: All persons possessing a diseased, dangerous or vicious animal shall display in a prominent place on the premises where a diseased, dangerous or vicious animal is kept a sign which is readable by the public from a distance of not less than one hundred feet (100') using the words "Beware of Dangerous Animal" or "Beware of Diseased Animal" whichever applies. A similar sign shall be posted on any confinement structure. Nothing herein shall be interpreted as permitting the possession of a vicious animal in the Village.

(M) Revocation of License: License granted pursuant to this Chapter shall be automatically revoked upon the second violation by the license of any provision of this Chapter. In the event of a revocation of the license, the license fee shall be retained by the Village and the diseased or dangerous animal must be removed from the Village within forty-eight (48) hours.

(N) Exceptions: This Chapter shall not apply to any K-9 patrol dogs or police dogs as defined in Section 16-1-1 of this Article.

(O) Failure to Comply: It shall be unlawful for the owner, keeper or harbinger of a diseased, dangerous or vicious animal to fail to comply with the requirements and conditions set forth in this Chapter. Any diseased, dangerous or vicious animal found to be the subject of a violation of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal of the animal from the Village.

#### **16-1-8: KILLING OR ATTACKING ANIMALS PROHIBITED; EXCEPTIONS:**

(A) No person shall kill or wound or attempt to kill or wound by use of firearms, sling shot, bow and arrow, BB gun, air rifle, or any other dangerous weapon, any animal within the Village limits, provided that this Section shall not prohibit a person from defending himself or another from attack by an animal.

(B) This Section does not prohibit the use of a weapon by a police officer to destroy animals which are seriously injured to avoid unnecessary suffering, or in a self-defense or defense of others.

**16-1-9: CRUELTY TO ANIMALS PROHIBITED:** No person shall commit acts of cruelty to animals. The following acts shall be deemed to be examples of cruelty to animals and are not

intended to be a complete list of acts which may constitute cruelty. Doctors of veterinary medicine, in the performance of their profession, are not subject to this provision of this Section.

(A) Overloading, overdriving, overworking, beating, torturing, tormenting, mutilating, or killing any animal or causing or knowingly allowing the same to be done.

(B) Cruelly working any old, maimed, injured, sick or disabled animal or causing or knowingly allowing the same to be done.

(C) Failure to provide any animal in one's charge or custody, as owner or keeper, with proper food, drink, shelter, air, sanitation, or medical care.

(D) Abandoning any animal without making provisions for its care and feeding.

**16-1-10: COCK FIGHTING, DOG FIGHTING PROHIBITED:** No person shall use or keep animals or be in any way connected with the management of any place kept or used for the purpose of fighting or baiting any dogs, cocks, or other animals or permit such place to be kept or used on premises owned or controlled by such person.

**16-1-11: DISPOSAL OF DEAD ANIMALS:**

(A) The owner or keeper of an animal shall be responsible for the disposal of such animal's remains on its death, from whatever cause, and regardless of the location of the remains of such animals.

(B) Animal remains shall be disposed of:

1. By burial beneath at least eighteen inches (18") of compacted soil on the property of the animal's owner or keeper or any other location with the express permission of the owner of the property.
2. By or through the County Animal Pound.
3. By or through a licensed veterinarian; or
4. By action of the Police Department.

(C) The Animal Control Officer may issue a written notice to any owner or keeper who has failed to properly dispose of the remains of an animal as prescribed herein. Such person shall have twenty-four (24) hours from receipt of such notice to properly dispose of such remains. The notice shall be served on the violator personally or by leaving such notice at his usual place of abode with some person of the family, of the age of thirteen (13) years or upwards and informing that person of the contents thereof.

(D) The Village may dispose of any animal remains without notice to the owner or keeper when:

1. Such remains are located on a public roadway;
2. The remains bear no Village identification tags as required by this Chapter.
3. The remains are located on the property of a person other than the owner or keeper; or
4. Service of a notice on the owner or keeper is refused or not readily possible within a short time.

(E) In any case where a disposal notice is required, in accordance with subsection C of this Section, on failure of a person served a notice to properly dispose of such remains within the time allowed, the remains may be disposed of by employees of the Village, and all costs of such removal shall be paid by the owner or keeper of the dead animal to the Village.

(F) A minimum charge of fifty dollars (\$50.00) for each hour or part of an hour spent by Animal Control Officers or other Village employees in disposing of the remains shall be levied against the owner or keeper when the Village disposes of the remains. The Village may institute legal proceedings to collect any amount owing by the owner or keeper, provided that such suit is filed within two (2) years of the issuance of the notice or disposal of the remains if no notice is required.

#### **16-1-12: INJURED ANIMALS; ANIMALS FOUND DEAD ON PUBLIC WAYS:**

(A) Any animals discovered injured on a public way of the Village shall be impounded by the Animal Control Officer. In the event that the Animal Control Officer is not available when the injured animal is first discovered, any employee of the Village that is available shall pick up the injured animal and immediately contact the Animal Control Officer for impoundment. Any animal discovered dead on a public way of this Village, shall be picked up by authorized employees of the Village and disposed of as hereinafter provided.

(B) Seriously injured animals that are wearing identification tags will be taken to a doctor of veterinary medicine, who shall contact the owner for treatment instructions and who shall maintain the animal, painlessly, if possible, until instructions are received. The owner or keeper shall be responsible for the costs of impoundment and treatment.

(C) Seriously injured animals which do not bear identification tags shall be impounded and euthanized forthwith by a doctor of veterinary medicine to avoid unnecessary suffering to the animal.

(D) Injured animals wearing identification tags shall be released to the pound within forty-eight (48) hours if the owner cannot be contacted and treatment is completed, or if the animal requires treatment beyond the minimization of suffering or pain, such treatment to be provided at the owner's or keeper's expense.



(E) No animal will be released by a veterinarian from impoundment to the owner or keeper following treatment of an injury until a release is received from the Village showing payment of impoundment fees.

## **ARTICLE II: DOG INOCULATION; LICENSING**

### **16-1-13: INOCULATION OF DOGS; INOCULATION TAG 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 which is four (4) months of age or older 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 at all times.

B. Each owner or keeper is responsible for obtaining annually from the Tazewell County Animal Control a metallic tag suitable for attaching to the collar of such dog which tag shall also certify to the fact of inoculation against rabies. The tag shall be in such form as shall be determined by the Department of Agriculture and adopted for use by the Tazewell County Animal Control.

### **16-1-14: DURATION OF INOCULATION:**

The inoculation performed under the provisions of Section 16-1-13 of this Article shall be effective until the expiration of a calendar year after the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

**16-1-15: EXHIBITION OF CERTIFICATE ON REQUEST:** At any reasonable time on request of any member of the Police Department or the Animal Control Officer, the owner or keeper of any dog shall exhibit any current, valid certificate, required under the provisions of this Chapter, certifying the inoculation against rabies of any dog owned or kept by him.

## **ARTICLE III: ADMINISTRATION; ENFORCEMENT**

### **16-1-16: INTERFERENCE WITH ENFORCEMENT PROHIBITED:**

No person shall in any way interfere with any person who is known to such person to be or who identifies himself to be and is, in fact, a Village employee or officer enforcing the provisions of this Chapter or engaged in catching or impounding any animal under the authority of this Chapter.

### **16-1-17: AUTHORITY TO IMPOUND ANIMALS AND ENTER ONTO PRIVATE PROPERTY:**

(A) It shall be the duty of the Animal Control Officer to take up and impound in the County Animal Pound, or other place as designated by the Animal Control Officer, any animal found at large or any dog found in the Village without identification, inoculation, or licensing tags contrary to any of the provisions of this Chapter, or statutes of the State.

(B) The Animal Control Officer is authorized to go on private property in order to enforce this Chapter or to take up any animal which is found at large or to take up any dog found without required inoculation, licensing, or identification tags; however, such persons may not enter a private dwelling house for this purpose without a valid warrant or the consent of the occupant.

#### **16-1-18: IMPOUNDMENT OF ANIMALS WHICH HAVE BITTEN PERSONS:**

(A) Any animal, whether under restraint or not, which has bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken by the Animal Control Officer, impounded, and kept separated from other animals for ten (10) days. The victim of such bite shall notify the Animal Control Officer of the bite within twenty-four (24) hours. If, during that period, such animal develops symptoms of illness, a veterinarian shall diagnose its condition. If the symptoms disclose or are such as to indicate the presence of rabies, the animal shall be destroyed in such manner as to preserve intact the head, which shall be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case the animal cannot be safely taken up and impounded, it may be killed, care being taken to preserve the head intact, which shall be detached and immediately delivered to the diagnostic laboratory of the Department of Agriculture.

(B) If, at the expiration of the period of ten (10) days, no symptoms of rabies have developed in such animal so impounded, the animal may be redeemed by the owner or keeper on payment of the redemption fees and charges specified in this Chapter.

(C) After having been notified that his animal has bitten or otherwise injured any person, the owner or keeper thereof shall not under any circumstances permit such animal to be outside of his premises except on a leash with a responsible adult until the procedures prescribed in subsection A and B of this Section have been completed.

#### **16-1-19: REDEMPTION OF IMPOUNDED ANIMALS:**

(A) Any animal impounded under the provisions of this Chapter, except any that may have bitten any person, shall, unless sooner redeemed, be held until it may be disposed of pursuant to this Chapter in order to afford opportunity to the owner or keeper thereof to redeem the same.

(B) Any owner or keeper desiring to redeem an impounded animal shall pay an impoundment fee of twenty-five dollars (\$25.00) per animal to the Village (and in addition, any charges imposed by the County Pound for keeping such animal while impounded); however, one-half (1/2) of the Village impoundment fee shall be waived the first time a dog of a particular owner is redeemed. For the purpose of this Section, the owner of an animal shall be entitled to the reduced impoundment fee once during every three (3) year period.

(C) The impoundment fee shall be paid by the owner or keeper at the Village Hall. The fees for the cost of keeping the dog, plus any additional fee for inoculation, shall be paid at the County Animal Pound.

(D) Notwithstanding the above, due to the increased risk to personnel in handling dangerous or vicious animals, the impoundment fees for dangerous and vicious animals is \$200.00 for the first offense and \$350.00 for any subsequent offense.

**16-1-20: DISPOSITION OF ANIMALS:** Any dog or other animal, except animals bearing owner identification or inoculation tags, impounded pursuant to the provisions of this Chapter, which has not been redeemed within three (3) working days shall be humanely destroyed or otherwise disposed of by the director of the County Animal Pound. Any dog with owner identification tags, which is impounded pursuant to the provisions of this Chapter and which shall not be redeemed within seven (7) working days shall be humanely destroyed or otherwise disposed of by the directory of the County Animal Pound.

**16-1-21: ISSUANCE OF CITATIONS TO PERSONS IN VIOLATION:**

(A) The Animal Control Officer and others specifically designated by the Chief of Police are authorized to issue citations on a reasonable belief that any person has violated any provisions of this Chapter.

(B) Citations shall be issued on forms approved by the Chief of Police.

(C) Citations shall be issued personally to the violator, left with a responsible family member of at least thirteen (13) years of age at the home of the violator, or mailed to the residence of the violator.

(D) Persons issuing citations shall ensure that a copy of the citation is filed at the Village Hall as soon as practical after issuance of such citation.

**16-1-22: PROCEDURES RELEVANT TO CITATIONS:**

(A) Upon receipt of a citation alleging a violation of any section of this Chapter, except for violations relating to dangerous breeds or diseased, dangerous or vicious animals, the violator shall pay at the Village Hall during normal business hours, the sum of twenty-five (\$25.00) within fourteen (14) working days of receipt of a citation for the first violation of any of the provisions of this Chapter. The amount that must be paid for any second violation of any provision of this Chapter shall be the sum of fifty dollars (\$50.00). The amount for any 3<sup>rd</sup> or subsequent violation shall be one hundred dollars (\$100.00). In addition to making the foregoing payment the recipient must sign and file with the Village Clerk the portion of the complaint that admits the allegations of the citation.

(B) In the event that any recipient of a citation does not appear at the Village Hall during normal office hours, make the required payment, and file a guilty plea within the foregoing time period then

the recipient of the citation must appear in the County Circuit Court, on the date and times as specified in the citation served on the recipient. The penalties shall apply in any action brought in the Circuit Court for any violation of this Chapter shall be as provided in Section 16-1-25 of this Article.

#### **16-1-23: PROSECUTION OF VIOLATIONS:**

(A) After ten (10) working days have elapsed from the date of the issuance of a citation authorized by this Chapter, the Village Board may in its discretion direct the Village Attorney to file a complaint and prosecute the alleged violation in the Circuit Court, if the recipient has failed to appear in accordance with this Chapter or if the recipient fails to comply with any portion of the hearing procedures.

(B) In any case where the Village Board believes that the administrative processing of a citation will be unproductive in preventing repeated violations, the provisions of this Section may be omitted in an individual case. A complaint shall then be filed in the Circuit Court and shall be subject to the full range of penalties including injunctive relief, removal of dangerous or vicious animals or the requirement that said animal be contained in accordance with this Chapter.

**16-1-24: PENALTY:** Any person convicted by the County Circuit Court, of violating any provision of this Chapter for which another penalty is not provided shall, in addition to any boarding costs required herein, be fined as follows:

(A) For any violation involving any dangerous breed, diseased, dangerous or vicious animal the minimum penalty shall not be less than two hundred fifty dollars (\$250.00) and not more than three hundred dollars (\$300.00) for the first violation and for any second or subsequent violation the penalty shall not be less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00).

(B) For any violation of any section of this Chapter for which a penalty is not provided the penalty shall be not less than twenty-five dollars (\$25.00) for the first offense; and not more than five hundred dollars (\$500.00) for the first offense, any second offense the penalty shall be not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00); any third or subsequent offense, the penalty shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(C) Each day a violation continues shall be deemed a separate offense.

(D) In addition to the penalties provided for in subsection A of this Section, upon finding by the Court that a licensee has violated any of the licensing provisions related to dangerous breed or diseased, dangerous or vicious animals the Court shall enter an order revoking the license and ordering the former holder of the license to remove the dangerous breed or diseased, dangerous or vicious animal from the Village, or order such other injunctive relief as the Court deems proper.

## **CHAPTER 17: MOTOR VEHICLES**

### **ARTICLE I - PARKING OR STORING JUNK, INOPERABLE MOTOR VEHICLES AND MOTOR VEHICLE PARTS**

#### **SECTION:**

- 17-1: Definition
- 17-2: Parking and Storing Prohibited
- 17-3: Motor Vehicle Parts
- 17-4: Nuisance
- 17-5: Notice to Abate
- 17-6: Action of Noncompliance
- 17-7: Liability for Expense of Disposal
- 17-8: Penalty

### **ARTICLE II – ABANDONED MOTOR VEHICLES**

#### **SECTION:**

- 17-9: Definition
- 17-10: Abandonment Unlawful
- 17-11: Notification to Police
- 17-12: Removal of Motor Vehicle or Other Vehicles – Towing or Hauled Away
- 17-13: Records to be Kept
- 17-14: Record Searches
- 17-15: Notification of Owner
- 17-16: Reclamation of Vehicle
- 17-17: Public Sale
- 17-18: Disposal of Unclaimed Vehicles Without Notice
- 17-19: Report of Transaction
- 17-20: Proceeds of Sale
- 17-21: Village Not Held Liable

## **ARTICLE I: PARKING OR STORING JUNK, INOPERABLE MOTOR VEHICLES, AND MOTOR VEHICLE PARTS**

**17-1: DEFINITION:** As used in this ordinance, “inoperable motor vehicle” means any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own 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. A motor vehicle shall also be considered inoperable upon which is displayed an Illinois registration plate or plates or registration sticker after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set under 625 ILCS 5/3-414 and 625 ILCS 5/3-414.1.

**17-2: PARKING AND STORING PROHIBITED:** Inoperable motor vehicles may not be parked, stored, or left in the open on private property unless it is necessary for the operation of a business enterprise lawfully conducted thereon.

**17-3: MOTOR VEHICLE PARTS:** Storing, placing, or allowing to remain in the open on streets, alleys, or private property of motor vehicle bodies, parts, equipment, motors, and materials for a period of more than forty eight (48) hours in any one calendar month is hereby prohibited unless necessary for the operation of a business enterprise lawfully conducted thereon.

**17-4: NUISANCE:** Parking or storing of inoperable motor vehicles and the storing or allowing same to remain in the open of motor vehicle bodies, parts, equipment, motors, and materials, in violation of Section 2, and Section 3 of this ordinance is hereby declared to constitute a public nuisance.

**17-5: NOTICE TO ABATE:** The Village Police Chief, or a member of the Hopedale Police Department designated by the Village Police Chief, is hereby authorized and empowered to notify the person in control of any private property to relocate any inoperable vehicles parked or stored in violation of Section 2 of this ordinance to a completely enclosed location on the property or otherwise to remove the same from the premises. Said Village Police Chief or a member of the Hopedale Police Department designated by the Village Police Chief, is also hereby authorized and empowered to notify the person in control of any private property to relocate any motor vehicle bodies, parts, equipment, motors, and materials stored, placed, or allowed to remain in the open in violation of Section 3 of this ordinance to a completely enclosed location on the property or otherwise to remove the same from the premises. Such notice shall be given by certified or registered mail addressed to the residence or usual place of business of such person, or may be posted on the premises where the violation exists.

**17-6: ACTION OF NONCOMPLIANCE:** After the expiration of five (5) days from the receipt of the notice provided for in the preceding Section or the posting of said notice, if the person so notified has failed, neglected, or refused to comply with the directions of such notice, the Village is hereby authorized and empowered to pay for the removal and disposal of such vehicles, bodies, parts, and the like, or to order the removal and disposal by the Village.

**17-7: LIABILITY FOR EXPENSE OF DISPOSAL:** In the event the Village is required to remove and dispose of the vehicles, bodies, parts, and the like, the person in control of the premises shall be liable to the Village for the expense incurred by the Village. A statement shall be rendered to the person liable for the cost thereof and if not paid, suit shall be instituted.

**17-8: PENALTY:** Any person who violates the provision of Section 2 or 3 of this ordinance or who fails, neglects, or refuses to comply with the notice provided in Section 5 of this ordinance shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offence and each day any such violation shall continue shall constitute a separate offense. The penalty specified in this Section shall be in addition to the liability for expense provided for in Section 7 of this ordinance.

(Ord. 06-21-04A; Passed 6-7-04)

## **ARTICLE II: ABANDONED MOTOR VEHICLES**

**17-9: DEFINITIONS:** For the purpose of this Ordinance, the following words shall have the meanings ascribed to them as follows:

**ABANDONED:** Means all motor vehicles or other vehicles in a state of disrepair rendering the VEHICLE: vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

**ANTIQUE:** Means any motor vehicle or other vehicle twenty-five (25) years of age VEHICLE: or older.

**HIGHWAY:** Means any street, alley, or public way within the Village.

**17-10: ABANDONMENT UNLAWFUL:** The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Municipality is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of a Village Police Officer after a waiting period of seven (7) days or more has expired.



**17-11: NOTIFICATION TO POLICE:** When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this State, not the owner of the vehicle, such person shall immediately notify the Hopedale Police Department when the vehicle is within the corporate limits of the Village. Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove or take possession of the abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow 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 Ordinance.

**17-12: REMOVAL OF MOTOR VEHICLE OR OTHER VEHICLES; TOWING OR HAULED AWAY:** The provisions of paragraph 4-203 of the Illinois Vehicle Code (625 ILCS 5/4-203) and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 17, Chapter 4, Section 4.

**17-13: RECORDS TO BE KEPT:** When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer=s trade name, manufacturer=s series number, body style, vehicle identification number, and license plate year and number displayed on the vehicle. The records 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.

**17-14: RECORD SEARCHES:** The provisions of paragraph 4-205 of the Illinois Vehicle Code (625 ILCS 5/4-205) and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 17, Chapter 4, Section 6.

**17-15: NOTIFICATION OF OWNER:** When the registered owner, lien holder, or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign State, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle=s owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.

**17-16: RECLAMATION OF VEHICLE:** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges are paid.

**17-17: PUBLIC SALE:** Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner, lien holder, or other person legally entitled to possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at



a public auction to a person licensed as an automotive parts recycler, rebuilder, or scrap processor, under Chapter 5 of the Illinois Vehicle Code, to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of sale to be sent by certified mail to the registered owner, lien holder, or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

**17-18: DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE:** The provisions of paragraph 4-209 of the Illinois Vehicle Code (625 ILCS 5/4-209) and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 17, Chapter 4, Section 10.

**17-19: REPORT OF TRANSACTION:** When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lien holder, or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Ordinance, a report of the transaction will be maintained by the Police Department for a period of one year from the date of the sale or disposal.

**17-20: PROCEEDS OF SALE:** When a vehicle located within the corporate limits of the Village is authorized to be towed away by a Village Police Officer and disposed of as set forth in this Ordinance, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Municipal Treasury.

**17-21: VILLAGE NOT HELD LIABLE:** Any police officer, 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, lien holder, or any other person legally entitled to the possession of a motor vehicle when the vehicle was processed and sold or disposed of as provided by this Ordinance.

(Ord. 04-05-04; Passed 4-5-04)

## **CHAPTER 18: OTHER REGULATIONS**

### **SECTION:**

#### **Article I. Curfew**

- 18-1-1: General Curfew
- 18-1-2: Regulations
- 18-1-3: Permitting Person to Violate Curfew
- 18-1-4: Detaining Child

#### **Article II. Dangerous Buildings**

- 18-2-1: Definitions
- 18-2-2: Nuisances
- 18-2-3: Renting Unfit Buildings
- 18-2-4: Unlawful to Have Certain Buildings
- 18-2-5: Duty to Repair or Demolish
- 18-2-6: Notice Where Court Order for Repair or Demolition Sought
- 18-2-7: Court Proceedings and Rights Under Statute
- 18-2-8: Separate Offense for Each Day of Continuance
- 18-2-9: Penalties
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#### **Article III. Fireworks and Explosives**

- 18-3-1: Fireworks
- 18-3-2: Fireworks Defined
- 18-3-3: Dynamite
- 18-3-4: Nitroglycerine; T.N.T.
- 18-3-5: Gunpowder

#### **Article V. Plants and Weeds**

- 18-5-1: Weeds, Declared a Nuisance
- 18-5-2: Height
- 18-5-3: Barberry Bushes
- 18-5-4: Growth Prohibited
- 18-5-5: Authority to Abate
- 18-5-6: Abatement Lien
- 18-5-7: Payment and Release
- 18-5-8: Penalty for Violation

## Article VI Maintenance of Private Property

- 18-6-1: Definition of Nuisance
- 18-6-2: Presumption of Dilapidation
- 18-6-3: Duty of Maintenance of Private Property
- 18-6-4: Exterior Storage Prohibited
- 18-6-5: Notice to Abate
- 18-6-6: Penalty for Failure to Abate Such Nuisance
- 18-6-7: Abatement by Village
- 18-6-8: Abatement Lien
- 18-6-9: Payment and Release
- 18-6-10: Dilapidated Structures

## ARTICLE I: CURFEW

### 18-1-1: GENERAL CURFEW

(A) It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, business, street, highway or other public place or way at the following times:

1. Between one minute after twelve o'clock (12:01) midnight and six o'clock (6:00) A.M. Saturday.
2. Between one minute after twelve o'clock (12:01) midnight and six o'clock (6:00) A.M. Sunday.
3. Between eleven o'clock (11:00) P.M. Sunday and six o'clock (6:00) A.M. Monday.
4. Between eleven o'clock (11:00) P.M. Monday and six o'clock (6:00) A.M. Tuesday.
5. Between eleven o'clock (11:00) P.M. Tuesday and six o'clock (6:00) A.M. Wednesday.
6. Between eleven o'clock (11:00) P.M. Wednesday and six o'clock (6:00) A.M. Thursday.
7. Between eleven o'clock (11:00) P.M. Thursday and six o'clock (6:00) A.M. Friday.

(B) It is a defense to a violation under this chapter that the child engaged in the prohibited conducted while:

1. accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least 18 years of age;
2. accompanied by an adult at least 21 years of age approved by the child's parent, guardian, or custodian;
3. participating in, going to, or returning from:
  - a. employment which the laws of this state authorize a person less than 17 years of age to perform;
  - b. a school recreational activity;
  - c. a religious event;
  - d. an emergency involving the protection of a person or property from an imminent threat or serious bodily injury or substantial damage;
  - e. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both;
  - f. an activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adult.

A citation for violation of subsection (a) of this Section may be issued by a Police Officer only if he reasonably believes that a violation has occurred and none of the defenses enumerated in subsection (b) apply.

(C) It is unlawful for a parent, legal guardian, custodian, or other person to knowingly permit a person in his custody to violate the provisions of subsection (a) of this section. It shall be a rebuttable presumption that a person has violated this section if someone under 17 years of age of whom such person has custody or control is present upon any public assembly, building, business, street or highway or other public place of public way in violation of subsection (a) of this section, and none of the defenses enumerated in subsection b. hereof apply.

(D) Any person violating the provisions of this Section shall be subject to arrest and upon conviction, shall be fined not less than seventy five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), except where said person has been convicted of this offense or received supervision for this offense at any prior time, the fine for any subsequent offense shall be not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00).

**18-1-2: REGULATIONS:** It shall be unlawful for any person of less than eighteen (18) years of age to be present at or upon any public assembly, building, place, street or highway in the Village at the following times unless accompanied by a parent, legal guardian or other responsible companion at least twenty-one (21) years of age unless engaged in a business or occupation which the laws of this State authorize a person less than eighteen (18) years of age to perform:

Between 12:01 A.M. and 6:00 A.M. on Saturday;

Between 12:01 A.M. and 6:00 A.M. on Sundays; and

Between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.

**18-1-3: PERMITTING PERSON TO VIOLATE CURFEW:** It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the provisions of the preceding section.

**18-1-4: DETAINING CHILD:** Each member of the police force, while on duty, is hereby authorized to detain any person willfully violating the provisions of Section 18-1-1 hereof until the parent or legal guardian of the child shall take him or her into custody; but such officer shall immediately upon taking custody of the child communicate with the parent or legal guardian.

## **ARTICLE II. DANGEROUS BUILDINGS**

### **Dangerous and Unsafe Property**

**18-2-1: DEFINITIONS:** The following terms whenever used or referred to in this Ordinance shall have the following respective meaning unless a different meaning clearly appears from the context:

(A) “Demolish” means to destroy building, to remove all debts and waste materials from the lot on which the building stood, and to properly fill in any excavation on such lot.

(B) “Building” shall mean structure or part thereof. It shall also encompass an excavation on real property and any shed, fence or any other manmade structure.

(C) “Dangerous and unsafe building” shall mean a building that, because of its condition constitutes a hazard to the health or safety of persons or to the safety of other property, whether real or personal property. Any building which has one or more of the following defects shall be deemed to be a “dangerous and unsafe building.”

(i) Any building whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third of the thickness of such members.

(ii) Any building which has support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have forty percent damage or deterioration of the non-supporting, enclosed or outside walls or covering.

(iii) Any building which has improperly distributed loads upon the floors or roofs in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(iv) Any building which has been damaged by fire, wind or other causes so as to have become dangerous to life safety or the health and welfare of persons or to the safety of other property, whether real or personal.

(v) Any building which has parts thereof which are so attached that they may fall and injure persons or property.

(vi) Any building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous conditions.

(vii) Any building which by reason of faulty construction, age, lack of proper repair, or any other cause has become especially liable to fire, and constitutes or creates a fire hazard, or has become liable to cause injury or damage by collapsing or otherwise.

(viii) Any building which is dangerous to the public health because of its construction or condition or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures.

(ix) Any building which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

The enumeration of certain defect herein shall not mean that a building with other defects which constitute a hazard to the health or safety of person or to the safety of other property, whether real or personal, shall not be deemed a “dangerous and unsafe building.”

(D) “Uncompleted building” shall mean a building on which the construction thereof has been started and has not been completed and on which there has not been substantial construction work done toward the completion of such building for a period of ninety (90) days. However, periods during which construction is impractical due to severe weather conditions or labor strike shall be excluded in the computation of such 90-day period.

(E) “Abandoned building” shall mean a building which has one or more of the following defects which shall be deemed to be an “abandoned building”:

(i) the property has been tax delinquent for two or more years, or bills for water service for the property have been outstanding and unpaid for two or more years;

(ii) the property is unoccupied by persons legally in possession;

(iii) the property contains a dangerous or unsafe building.

(F) “Unfit building” shall mean a building not suited for occupancy, or for the purposes for which it was intended, or any building which because of its lack of proper repair or maintenance depreciates the appearance or value of the neighborhood in which it is located, any building which because of lack of proper repair or maintenance could cause injury or damage to persons or property, or any building which was not constructed in whole or in part in accordance with any building, electrical, fire, or sewer ordinances of this Village or statutes of the State of Illinois. While the enumeration of the following defects shall not mean that other defects do not make a building an “unfit building” as defined, any building which has one or more of the following defects shall be deemed to be an “unfit building”:

(i) Any building which has one or more of the defects mentioned in Section 2(c) above.

(ii) Any building which does not have an obstructed means of egress leading to an open space at ground level.

(iii) Any building which has a broke window pane or panes or in which a window pane or panes have been broken out or removed, providing such condition has continued for more than thirty (30) days.

(iv) Any building in which a window or windows have been boarded up. However, the use of properly appearing window shutter or shutters over a window or windows shall not be considered boarding up as long as they do not detract from the general appearance of the area.

(v) Any building which while used as a dwelling for human habitation does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system, or does not have an installed tub or shower and lavatory properly connected to hot and cold water supply pipes and sewer system, or does not have a flush type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system, or does not have installed electric lightning facilities for every habitable room, or does not have installed a heating system adequate to provide necessary heat to occupants.

(viii) Any building in which there are leaking water lines or leaking gas lines.

(ix) Any building in which bricks, blocks, boards, siding or covering forming part of the walls or other structure of such building are loose or not firmly attached or are rotted, decayed or crumbling.

(x) Any building with a chimney in which bricks or blocks forming a part thereof are loose or not firmly attached or are decayed or crumbling.

(xi) Any building which has kept or maintained thereon, therein, or about the same, combustible or explosive material or inflammable conditions, which endanger the safety of persons or other property.

(xii) Any building which does not comply with rules of the Office of the State Fire Marshall adopted and promulgated under Section 9 of "AN ACT relating to the investigation and prevention of fire," approved June 15, 1909, as amended (425 ILCS 259).

(xiii) Any building which has a roof thereon that leaks so as to permit water to enter into any room or rooms of such building and which has not been repaired to prevent such leaks within thirty (30) days after such leaks first commenced.

(xiv) Any building in which or about which junk, trash, paper, garbage, or materials is or are stored or kept in such a manner as could increase the possibility of rat infestation, or the spread of disease, or the hazards of fire, or injury to other persons or property.

**18-2-2: NUISANCES:** Pursuant to authority contained in 65 ILCS 5/11-60-2, each of the following is hereby defined and declared to be a public nuisance: any dangerous and unsafe building, and uncompleted building, and abandoned building, and any unfit building, each as being defined in this ordinance.

**18-2-3: RENTING UNFIT BUILDING:** It shall be unlawful for any owner or any party in interest of a building to rent or offer for rent any unfit building within any territory under the jurisdiction of this Village.

**18-2-4: UNLAWFUL TO HAVE CERTAIN BUILDING:** It shall be unlawful for any owner to have within any territory under the jurisdiction of this Village any dangerous and unsafe buildings, any uncompleted building, any abandoned building, or any unfit building, as such buildings are defined in this Ordinance, after fifteen (15) days following the giving of notice as provided in Section 5 of this Ordinance.

**18-2-5: DUTY TO REPAIR OR DEMOLISH:** Within fifteen (15) days after being given notice that any building is deemed to be a dangerous and unsafe building, an uncompleted building, an abandoned building, or an unfit building, the owner thereof shall immediately proceed to do one of the following: (1) to repair or to cause to repair, and where appropriate to rebuild and construct or cause to rebuild and construct, such building so that such building is not a dangerous and unsafe building, (b) to demolish or cause to demolish such building, (3) to enclose or cause to enclose such



building, (d) to remove or cause to remove, garbage, debris, or other hazardous, noxious, or unhealthy substances or materials from such building. Such repair, enclosure, rebuilding, and construction, and removal of garbage, debris, and other hazardous, noxious, or unhealthy substances, or such demolition shall be completed within ninety (90) days after the giving of the aforesaid notice.

However, upon written application made prior to the expiration of such 90-day period to the Board of Trustees of this Village, such 90-day period may be extended by such Board of Trustees upon satisfactory proof that the owner has proceeded with and is proceeding with due diligence toward such completion. The date of giving such notice shall be the date of mailing, if mailed, or the date of delivery, if not mailed. If, upon diligent search, the identity or whereabouts of the owner or owners of any such building is not ascertainable, notice mailed to either an occupant of such premises or to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section.

**18-2-6: NOTICE WHERE COURT ORDER FOR REPAIR OR DEMOLITION SOUGHT:** In the event that a court order for repair or demolition is to be sought under 65 ILCS 5/11-31-1 if such building is not put in a safe condition, demolished, enclosed , or all garbage, debris, or other hazardous, noxious, or unhealthy substances or materials removed after the notice provided in this Section is given, under the provisions of 65 ILCS 5/15-31-1, written notice to repair, demolish, enclose, or remove shall be given by mail more than fifteen (15) days prior to the commencement of such court action to the owner or owners thereof, including the lien holders of record. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building, including the lien holders of record is not ascertainable, notice mailed to the person or persons whose name such real estate was last assessed is sufficient notice under this Section.

**18-2-7: COURT PROCEEDINGS AND RIGHTS UNDER STATUTE:**

(A) Where the notice has been given as provided in Sections 5 and 6 of this Ordinance, the Village shall have all rights to proceed for court order for the demolition or repair or enclosure of any dangerous and unsafe building or uncompleted building or abandoned building or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials within the territory of this municipality and shall have all rights provided in 65 ILCS 5/11-31-1 including rights for lien and foreclosure, upon compliance with said Section of said statute by the Village. The Village of Hopedale shall be entitled to recover all its' costs and expenses as provided in 65 ILCS 5/11-31-1.

(B) If notice has been given as provided in Section 5 of this Ordinance, the Village shall have all rights to proceed for a court order to have the property declared abandoned as defined in Sec. 1 (e) of this Article. If a court determination is made on a default basis that the property has been abandoned, then notice shall be sent by certified mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois Land Trust having title to the property, stating the title to the property will be transferred to the Village of Hopedale, unless within 30 days after the notice, the owner of record enters an appearance in the action, or unless any other person having interest in the property files with the court a request to demolish the dangerous or unsafe building or to put the building in safe condition. If such action occurs, then the court shall

vacate its order declaring the property abandoned and allow the Village of Hopedale to amend its complaint. If a request to demolish or repair is filed within the thirty (30) day period (following default), the Court shall grant permission to the owner of record and/or requesting party to demolish the building within thirty (30) days or restore the building to a safe condition within 60 days. An extension of such period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of highest priority. If a requesting party (not the owner of record) pursuant to request demolishes the building or puts it in a safe condition within the time granted by the Court, then the Court shall grant the requesting party a quit claim judicial deed upon payment of the Village of Hopedale's court costs, attorney fees, administration fees and any other costs. The quit claim judicial deed to the requesting party shall only convey the interest of the owner of record and shall be subject to all liens, encumbrances, and rights of redemption, if any. If no person with an interest in the property files a timely request or if a requesting party fails to demolish the building or put it in a safe condition within the time specified by the Court, the Village of Hopedale may petition the Court to issue a judicial deed for the property to the Village of Hopedale. Such conveyance by judicial deed to the Village of Hopedale shall operate to extinguish all existing ownership interest in, liens on, and other interests in such property including tax liens.

**18-2-8: PERSONS AUTHORIZED OR DIRECTED TO GIVE NOTICE:** Any of the following officers or agents of this Village, upon having reasonable grounds for believing that any building is a dangerous and unsafe building, an uncompleted and abandoned building, or an unfit building, an uncompleted and abandoned property pursuant to Section 8 (b) of this Ordinance and on behalf of this Village with authority obtained first from the President and Board of Trustees, is authorized to give any notice provided for in section 6 of this ordinance and is further authorized, if such person has reasonable grounds to believe that there has been a violation of Sections 2, 3 or 4 of this Ordinance, to sign and file complaints for fines or penalties for violations of Section 4, 5 or 6 of this Ordinance: (a) the President and Board of Trustees, (b) the Village Attorney, (c) the Zoning officer, (d) the Chief of Police, (e) any police officer, (f) the Village Clerk; (g) the Superintendent of Streets and Waters, (h) the Director of Emergency Services and Disaster Operations. Any of the foregoing shall give such notice provided by Section 6 of this Ordinance upon direction by the President and Board of Trustees of this Village.

**18-2-9: SEPARATE OFFENSE FOR EACH DAY OF CONTINUANCE:** Each day that a violation of Section 5 or 6 of this Ordinance continues shall be deemed a separate offense, and a fine or penalty as hereinafter provided may be recovered for each day that such offense continues.

**18-2-10: PENALTIES:** Any person, partnership, corporation, or other legal entity violating any of the provisions of Section 41, Section 5 or Section 6 of this Ordinance shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. However, there shall be no fine imposed under Section 5 of this Ordinance. That a complaint is filed against any person seeking a fine or penalty, or that any fine or penalty is imposed, shall not in any way prevent this Village from proceeding, or waiving any right of this Village to proceed, under 65 ILCS 5/11-31-1.

**18-2-11: SUBSTITUTE SERVICE:** In lieu of certified mail or registered mail, the Village of Hopedale may have a notice required by this Ordinance personally served by a sheriff, Village police officer, or licensed private investigator.

### **ARTICLE III: FIREWORKS AND EXPLOSIVES**

**18-3-1: FIREWORKS:** It shall be unlawful to store, possess or ignite any fireworks in the Village excepting as may be necessary for the performance of a licensed public exhibition of pyrotechnics, as hereinafter provided for. Any such storage, possession or ignition must be under the supervision of and subject to the approval of the Chief of Police.

It shall be unlawful to sell or offer for sale any fireworks or pyrotechnics in the Village; provided, that public exhibitions of fireworks and pyrotechnics may be given if a permit therefore be granted by the President and Board of Trustees. Such exhibitions shall be given subject to the supervisions of the Chief of Police or of some person designated by him.

**18-3-2: FIREWORKS DEFINED:** The term “fireworks” shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitioner nature by explosion, combustion, deflagration or detonations, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, sparklers, bombs or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; provided, however, that the term “fireworks” shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths (.25) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain less than twenty hundredths (.20) grains of explosive mixture, the sale and use of which shall be permitted at all times.

**18-3-3: DYNAMITE:** It shall be unlawful to keep or store any dynamite in the Village in excess of five (5) pounds on any one premises or in any one building.

**18-3-4: NITROGLYCERINE; T.N.T.:** It shall be unlawful to keep or store any nitroglycerine or the explosive commonly known as T.N.T. in the Village in any quantities, excepting for medical or laboratory purposes, and for such purposes no more than one-quarter (1/4) ounce shall be stored in any one building or premises.

**18-3-5: GUNPOWDER:** It shall be unlawful to keep or store any black powder or gunpowder or guncotton in excess of five (5) pounds on any one premises in the Village.

## ARTICLE IV. FIRE LIMITS

**18-4-1: BOUNDARIES:** The fire limits of the Village shall include all areas zoned for commercial use.

**18-4-2: EXTERIOR COVERINGS:** It shall be unlawful to construct or erect any buildings or structure or portion thereof or addition thereto, in the fire limits unless the exterior walls of such building or structure are primarily covered or constructed of nonflammable materials; provided, that this shall not operate to prohibit the construction of temporary one-story buildings for the use of buildings during construction of the fireproof structure; wooden fences not over eight feet (8') high; piazzas or balconies not exceeding ten feet (10') in width or extending more than three feet (3') above the second story floor beams; bay windows when covered with incombustible material; or during construction for workmen engaged thereon, small outhouses not exceeding one hundred fifty feet (150') in area or eight feet (8') in height.

**18-4-3: DAMAGE REPAIR:** It shall be unlawful to repair any existing building within the fire limits after the same shall be damaged by any cause to fifty percent (50%) of its value, unless such building is made to conform to the provisions of the foregoing section.

## ARTICLE V. PLANTS AND WEEDS

**18-5-1: WEEDS, DECLARED A NUISANCE:** Any weeds such as jimson, burdock, giant ragweed, common ragweed, cocklebur, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rust pigweed, lams quarter, wild lettuce, curled dock, smart weed (all varieties), poison hemlock and wild hemp, or other weeds of like kind, found grow in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

**18-5-2: HEIGHT:** It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers of other ornamental plants to grow to a height exceeding eight inches (8") anywhere in the Village; any such plants or weeds exceeding such height are hereby declared a nuisance.

**18-5-3: BARBERRY BUSHES:** It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common or European barberry, further known as *Barberis Vulgaris* or its horticultural varieties within the Village.

**18-5-4: GROWTH PROHIBITED:** It shall be unlawful for any person owning, leasing, occupying, controlling, or responsible for any lot or parcel of land to permit growth thereon or between the property lines thereof and the curb of any adjoining street or if there is no curb to the edge of the pavement or if no curb of pavement to the traveled party of an alley or the right of line, as

prohibited in Section 2 of this ordinance. This applies to all property in the corporate limits which is improved or subdivided. Notwithstanding the corporate limits which is improved or subdivided.

**18-5-5: AUTHORITY TO ABATE:** In the event any property is in violation of this ordinance the Village may, at its discretion, cut any weeds, grass, or plants, other than trees, bushes, flowers, vegetables, or other ornamental plants and assess the cost to the owner of the property and file a lien against the property as provided in this ordinance.

**18-5-6: ABATEMENT LIEN:** If the Village has abated the nuisance, the costs thereof shall be recoverable from the owner and the Village may place a lien on the land until payment is made.

Within sixty (60) days after the cost and expense is incurred by the Village or the party performing the service by authority of the Village, in his or its name, may file a notice of lien in the office of the Recorder of Deeds of Tazewell County, Illinois. Notice to the person to whom was sent the tax bill for the general taxes on the property for the last preceding year shall be sent by certified mail or personally served on the person.

The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification thereof,
- (B) The amount of money representing the costs and expense incurred or payable for the service, and
- (C) The date or dates when such cost and expense was incurred by the Village.

**18-5-7: PAYMENT AND RELEASE:** Upon payment of the cost and expense by the owner or persons interested in such property 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 may be filed of record as in the case of filing notice of lien; provided, however, no lien shall be released until the total costs and expense including the actual costs, filing fees, and other costs of administration and interest are satisfied by payment in full.

**18-5-8: PENALTY FOR VIOLATION:** In addition to the abatement and lien procedures provided for in this ordinance any person violating any of the provisions of this ordinance shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine of seven hundred and fifty dollars (\$750.00) and each and every day a violation occurs shall be deemed a separate offense.

## **ARTICLE VI. MAINTENANCE OF PRIVATE PROPERTY**

**18-6-1: DEFINITION OF NUISANCE:** For the purposes of this Ordinance, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited

to, the keeping or the depositing on, or the scattering over the premises of garbage or debris, or failure to maintain any structure on the property in a reasonable state of repair or maintaining a dilapidated structure.

The following definitions apply”

**GARBAGE:** Wastes resulting from the handling, preparation, cooking, and consumption of food; wastes from the handling, storage, and sale of produce.

**DEBRIS:** Includes but is not limited to lumber, junk, trash, abandoned, discarded, or unused ~~objects~~ or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers, ashes, and refuse.

**DILAPIDATED STRUCTURE:** Any structure that has broken windows, missing siding, substantial trim missing, significant portions of exterior missing, boarded doors or windows, missing doors, portions of roof exposed, significant portions of roof missing, or any similar condition showing the structure is in a significant state of disrepair. (Ordinance 12-17-12, 2012)

**ASHES:** Residue from fires used for cooking and for heating buildings.

**REFUSE:** Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding’ noncombustible trash, including, but not limited to, metal tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral wastes; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles; but “refuse” does not mean earth and waste from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, limber, scraps, and shavings.

**18-6-2: PRESUMPTION OF DILAPIDATION:** A structure shall be presumed to be dilapidated if one or more of the following conditions exist:

- (A) It has a support member or members that are deteriorated;
- (B) It has damage due to fire, wind or other cause that had not been repaired within thirty (30) days of the damage;
- (C) It has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, or lack of capacity;
- (D) Any structure which has a broken window pane or panes or in which a window pane or panes have been broken out or removed, providing such condition has continued for more than thirty (30) days;



(E) Any structure in which a window or windows have been boarded up. However, the use of properly appearing window shutter or shutters over a window or windows shall not be considered boarding up as long as they do not detract from the general appearance of the area;

(F) Any structure while used as a dwelling for human habitation that does not have any installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system, or does not have an installed tub or shower and lavatory properly connected to hot and cold water supply pipes and sewer system, or does not have a flush type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system, or does not have installed electric lighting facilities for every habitable room, or does not have installed a heating system adequate to provide necessary heat to occupants;

(G) Any structure in which there are leaking water lines or leaking gas lines;

(H) Any structure in which bricks, blocks, boards, siding or covering forming part of the walls or other structures of such building are loose or not firmly attached or are rotted, decayed or crumbling;

(I) Any structure with a chimney in which bricks or blocks forming a part thereof are loose or not firmly attached or are decayed or crumbling;

(J) Any structure which does not comply with rules of the Office of the State Fire Marshall adopted and promulgated under Section 9 of “AN ACT relating to the investigation and prevention of fire,” approved June 15, 1909, as amended (425 ILCS 259); and

(J) Any structure which has a room thereon that leaks so as to permit water to enter into any room or rooms of such structure and which has not been repaired to prevent such leaks within thirty (30) days after such leaks first commenced.

*(Ordinance 12-17-12, 2012)*

**18-6-3: DUTY OF MAINTENANCE OF PRIVATE PROPERTY:** No person, owning, leasing, or occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person, keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

**18-6-4: EXTERIOR STORAGE PROHIBITED:** No person, in charge of or in control of premises, whether as owner, lessee, tenant, occupant, or otherwise, shall allow any garbage or debris to remain on such property longer than five (5) days.

**18-6-5: NOTICE TO ABATE:** The Village Police Department of Zoning Enforcing Officer is authorized and empowered to notify the person in control of any private property, whether as owner, lessee, tenant, occupant, or otherwise to remove to an enclosed area on the property or otherwise remove from the property, any garbage or debris which are stored in violation of Section 18-6-4 of this Chapter.

Said notice shall allow said person seven (7) days to remove said property; and in the event same is not so removed, the provisions of Section 18-8-6 of this Chapter shall apply. Such notice may be given by any of the following methods.

- (A) Certified or Registered Mail addressed to the person occupying the premises in question and to the owner, if different than the occupant.
- (B) Personal delivery to the occupant and personal delivery to the owner, if different than the occupant.
- (C) Posting of the notice on the premises.

**18-6-6: PENALTY FOR FAILURE TO ABATE SUCH NUISANCE:** If any person allows a nuisance to exist as defined in this Chapter and fails to abate the nuisance within the period allowed by Section 18-6-5 of this Chapter, then, upon conviction thereof, said person shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred and fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which said nuisance is permitted to exist.

**18-6-7: ABATEMENT BY VILLAGE:** In addition to the penalty provided for in Section 18-6-6 of this Chapter, whenever any person fails to abate said nuisance within the period allowed by Section 18-6-5 of this Chapter, then the Village may abate the nuisance and file a lien as provided in this Chapter.

**18-6-8: ABATEMENT LIEN:** If the Village has abated the nuisance, the costs thereof shall be recovered from the owner and the Village may place a lien on the land until payment is made.

Within sixty (60) days after cost and expenses incurred by the Village or the party performing the service by authority of the Village in his or its name, may file a notice of lien in the office of the Recorder of Deeds of Tazewell County, Illinois.

The notice shall consist of a sworn statement setting out:

- (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 service; and
- (C) The date or dates when such cost and expense was incurred by the Village.

**18-6-9: PAYMENT AND RELEASE:** Upon payment of the cost and expense by the owner or the person interested in such property 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 may be filed on record as in the case of filing notice of lien; provided, however, no lien shall be released until the total cost and



expense including the actual costs, filing fees, and other costs of administration and interest are satisfied by payment in full.

**18-6-10: DILAPIDATED STRUCTURES:** The Village may elect to proceed with the abatement procedure for a dilapidated structure or, in the alternative, may elect to proceed with an ordinance violation. Any person owning property, upon which there is a dilapidated structure, shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine of seven hundred and fifty dollars (\$750.00). Each and every day a violation exists shall be deemed a separate offence. (Ordinance 12-17-12, 2012)

## CHAPTER 19: MISDEMEANORS AND OTHER OFFENSES

### SECTION:

- 19-1: Gambling
- 19-1-1: Licensed Video Gaming
- 19-2: Disorderly Conduct
- 19-3: Public Intoxication; Open Containers; Consumption
- 19-4: Disturbing Assemblies
- 19-5: Missiles
- 19-6: Unlawful Assemblages
- 19-7: Fires
- 19-8: Discharge of Firearms
- 19-19: Posting Bills
- 19-10: Scaffold
- 19-11: Articles on Windows
- 19-12: Obstructing Exits or Stairways
- 19-13: Fuel Tanks
- 19-14: Unused or Abandoned Refrigerators
- 19-15: Cannabis
- 19-16-1: Drug Paraphernalia
- 19-16-2: Sale or Delivery-Penalty-Public Nuisance
- 19-16-3: Possession of Drug Paraphernalia
- 19-16-4: Unlawful Removal of Refuse

**19-1: GAMBLING:** It shall be unlawful to gamble or attend any gambling resort or to make any bet, lottery or gambling hazard, or to buy or sell any chances or tickets in any gambling house, arrangement or device.

It shall be unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose; and any such device or paraphernalia kept with such intent may be confiscated by any member of the Police Department.

It shall be unlawful to maintain or patronize any establishment maintained for a gambling house or resort.

It shall be unlawful to advertise any gambling house or resort in any street, alley or other public place within the Village.

This section authorizes any gambling equipment licensed and operated in accordance with the Video Gaming Act, 230 ILCS 40/1, et seq., as now in effect or as amended.

#### 19-1-1: LICENSED VIDEO GAMING:

(A) Licensed Video Gaming Exemption. The prohibitions of this Chapter and any other chapter or section of the Village Code that may reference or govern gambling or gaming shall not apply to any video gaming terminal that has a valid video gaming terminal permit sticker and is being operated by a licensed establishment that has a valid Village video gaming establishment license and is in full compliance with this Section.

(B) Definitions.

1. "Licensed establishment": any establishment that is both licensed to sell liquor at retail in the Village under a Class A or C license pursuant to Section 13-9 of the Village Code and licensed by the Illinois Gaming Board to operate a video gaming terminal on its premises.
2. "Video Gaming": The ownership, placement, maintenance, operation or use of a video gaming terminal (as defined below) in a licensed establishment (as defined above) within the Village.
3. Video gaming terminal": any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(C) Annual Video Gaming License Required. No establishment licensed by the Illinois Gaming Board shall be permitted to operate any Video Gaming Terminal pursuant to the Illinois Video Gaming Board Act unless the establishment has first obtained a license and paid an annual license fee to the Village as hereafter provided. No license may be issued where the license applicant owes a debt, fine, fee or penalty to the Village.

(D) Application Requirements. Application to the Village for a Video Gaming License shall be made to the Village Clerk on form furnished by the Village. The Application shall contain the following information:

1. The name, address, age and date of birth of the owner of the video gaming terminal and of the owner of the establishment where the video gaming terminal shall be located;
2. Any prior convictions of the owner of the video gaming terminal and the owner of the establishment where the video gaming terminal shall be located.
3. The name and address of the establishment where the video gaming terminal will be displayed and operated and the business conducted and a description of the video gaming

terminal to be operated under the license.

4. The location of the video gaming terminal as it is to be located in the local establishment.
5. Evidence of a video gaming license has been issued by the Illinois Gaming Board to the owner of the video gaming terminal and the owner of the establishment where the video gaming terminal shall be located.
6. Attach a responsible gaming policy, which outlines all employee education and training programs, policies, and procedures to promote responsible gaming. If standardized training for responsible gaming becomes available at a future date, it shall be required as part of the Video Gaming License application.
7. Such other information as the Village may determine is necessary as set forth in the application form.

(E) Term of License. All Licenses shall be valid for a period not to exceed one year after issuance, unless sooner terminated, revoked or suspended as provided by law; and all licenses shall terminate on April 30 next following their issuance.

(F) Annual License Fee; Proration. The annual business license fee for a Video Gaming License shall be twenty-five dollars (\$25.00) per video gaming terminal, per year.

(G) Regulations Governing Licensed Establishments Operating Video Gaming Terminals. The following regulations apply to all licensed establishments operating a video gaming terminal on its premises with a valid gaming establishment license:

1. A valid Village video gaming establishment license must be clearly displayed at all times.
2. No more than five (5) video gaming terminals may be located on the licensed establishment's premises.
3. Other than having up to five (5) video gaming terminals, a licensed establishment is prohibited from having, anywhere on its premises, an electronic video gaming machine that may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots, or any other card or dice game or other game of chance, or that is otherwise akin to a gambling or gaming device, even if solely for amusement purposes.
4. All video gaming terminals must be located in an area restricted to persons twenty-one (21) years of age or older. The entrance to such area must, at all times, be within the view of at least one (1) employee who is at least twenty-one (21) years of age.
5. No licensed establishment may cause or permit any person under the age of twenty-one (21) years to use, play or operate a video gaming terminal.

6. No video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant the Village Code.

7. The licensed establishment must fully comply with the Illinois Video Gaming Act (230 ILCS 40/1, et seq.) and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

(H) Inspection of Premises. Every licensed establishment where a video gaming terminal is kept shall be subject to inspection by the Chief of Police or his/her authorized agents, at any time, to ensure compliance with the Village Code. This includes licensed establishments applying for a video gaming establishment license. It shall be unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the Chief of Police or his/her respective agents in the course of an inspection.

(I) Revocation/Suspension of License and Permit Sticker. The Mayor may revoke or suspend any video gaming establishment license issued by the Village if it determines that the licensed establishment has violated any of the provisions of this Chapter or Section. No license shall be so revoked or suspended, except after a public hearing before the Village Board, with a three (3) day written notice to the licensed establishment affording the licensed establishment an opportunity to appear and defend. Notwithstanding the foregoing, any licensed establishment that has its liquor license revoked or suspended by the Village by the Illinois State Liquor Commission, or has its video gaming license revoked or suspended by the Illinois Gaming Board, shall automatically, without a hearing have its Village video gaming establishment license revoked or suspended for the same time frame as its liquor and/or Illinois Gaming Board gaming license is suspended, whichever the case may.

(J) Penalty. Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be subject to a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00) for each offense. (Ordinance 10-16-17B, 2017)

**19-2: DISORDERLY CONDUCT:** A person commits disorderly conduct when he knowingly:

(A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(B) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or

(C) Transmits in any manner to the Fire Department a false alarm of a fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(D) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such 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 is concealed in such place; or

(E) 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 transmission that there is no reasonable ground for believing that such an offense has been committed; or

(F) 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; or

(G) 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.

Any person who violates the provisions of this Section shall be subject to arrest and, upon conviction, shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00) except that where said person has been convicted of this offense at any prior time, there shall be added to said minimum fine the amount of twenty five dollars (\$25.00) for each prior conviction.

### 19-3: PUBLIC INTOXICATION; OPEN CONTAINERS; CONSUMPTION:

(A) It shall be unlawful for any person to consume any alcoholic liquor on any public property in the Village of Hopedale.

(B) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle or public property in the Village, except in the original packaging with the original seal unbroken.

(C) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any park or on any grounds owned by or under the control of a public body within the Village of Hopedale.

(D) It shall be unlawful for any person to be on or in any street, alley or public place in the Village while in such an intoxicated condition to endanger the health, safety or property of himself or another.

(E) It shall be unlawful for any person under the age of twenty-one (21) years to consume any alcoholic beverage in the Village limits of the Village of Hopedale, except the possession and dispensing or consumption by such person of alcoholic beverages in the performance of a religious service or ceremony, or the consumption under the direct supervision and approval of the parent or

parents of such person in the privacy of a home, and is not prohibited by this Section. (Ordinance 9-18-17, 2017)

**19-4: DISTURBING ASSEMBLES:** It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village.

**19-5: MISSILES:** It shall be unlawful to cast, throw or propel any missile on any street, alley or public place; and it shall be unlawful to throw or deposit any glass, nail, tacks or other similar articles, on any street, sidewalk or alley in the Village.

**19-6: UNLAWFUL ASSEMBLAGES:** It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose.

**19-7: FIRES:** It shall be unlawful to build or light a bonfire so close to any building or other structure or on any street or sidewalk pavement as to endanger it.

**19-8: DISCHARGE OF FIREARMS:** It shall be unlawful to discharge any firearm or air gun in the Village; provided, that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his person or property.

**19-9: POSTING BILLS:** It shall be unlawful to post any bills or advertisements on any public property without the authority of the President and Board of Trustees; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

**19-10: SCAFFOLD:** Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street, alley or other public place in the Village, shall be firmly and properly constructed and safeguarded; and it shall be unlawful to place or leave any tools or article on any such place in such a manner that the same can fall onto any such street, sidewalk, alley or other public place, from a height greater than four feet (4').

**19-11: ARTICLES ON WINDOWS:** It shall be unlawful to place any moveable article on any window ledge, or other place abutting on a public street, alley or other place at a height above four feet (4') from the ground in such a manner that the same can be or is in danger of falling onto such street, alley, sidewalk or other public place.

**19-12: OBSTRUCTING EXITS OR STAIRWAYS:** It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall, or any building used by two (2) or more tenants or families in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit.

**19-13: FUEL TANKS:** It shall be unlawful to install or maintain any fuel oil, gas or liquid gas tanks in the Village unless such tank and all equipment connected therewith is installed and maintained in accordance with the rules of the State Fire Marshall or of any other State agency having jurisdiction thereof.

**19-14: UNUSED OR ABANDONED REFRIGERATORS:** It shall be unlawful to permit any unused or abandoned refrigerator, icebox or deepfreeze or other freezers to remain in any place accessible to any child, without first removing the doors or breaking the hinges of the door or doors, of any such icebox, refrigerator or freezer.

**19-15: CANNABIS:** It shall be unlawful for any person to possess marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

**19-16-1: DRUG PARAPHERNALIA-DEFINITIONS:** As used in this Chapter, unless the context otherwise requires:

(A) The term “cannabis” shall have the meaning ascribed to it in section 3 of the “Cannabis Control Act”, as if that definition were incorporated herein.

(B) The term “controlled substance” shall have the meaning ascribed to it in section 102 of the “Illinois Controlled Substances Act”, as if that definition were incorporated herein.

(C) “Deliver” or “delivery” means the actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there in an agency relationship.

(D) “Drug paraphernalia” means all equipment, products, and materials of any kind which are intended to be used unlawfully 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 intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance;



2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
3. Testing equipment intended to be used unlawfully for private home use in identifying or in analyzing the strength, effectiveness, or purity of cannabis or controlled substances;
4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
5. Objects intended to be used unlawfully 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. Objects which are used or intended to be used to ingest, inhale, or otherwise introduce cannabis or a controlled substance into the human body.
7. Any item whose purpose, as announced or described by the seller, is for use in violation of this Chapter.

#### 19-16-2: SALE OR DELIVERY-PENALTY –PUBLIC NUISANCE:

(A) Any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia commits an offense. For a first offense, a fine of three

hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed.

(B) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance.

#### 19-16-3: 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, commits an offense.

(B) In determining intent under subsection (A) of this Section, the trier of fact may take into consideration the proximity of the cannabis or controlled substance to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

(C) For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed.

19-16-4: UNLAWFUL REMOVAL OF REFUSE: It shall be unlawful for any person, firm, or corporation, except a refuse collector authorized by the Village to pick up any refuse placed at the curb or perimeter of residentially zoned property.

*(Ordinance 4-15-13, 2013)*

## CHAPTER 20: CIVIL EMERGENCY

### SECTION:

- 20-1: Definitions
- 20-2: Declaration
- 20-3: Curfew
- 20-4: Presidential Powers
- 20-5: Period
- 20-6: Notice
- 20-7: Penalties
- 20-8: Invalidity
- 20-9: Construction

### **20-1: DEFINITIONS:**

#### CIVIL EMERGENCY:

(A) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate 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:** “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 government unit and persons officially designated to duty with reference to civil emergency.

**20-2: DECLARATIONS:** Whenever an emergency as defined above in this Chapter exists, the President shall declare the existence by means of a written declaration setting forth the facts which constitute the emergency.

**20-3: CURFEW:** After proclamation of a civil emergency by the President, he may order a general curfew applicable to such geographical areas of the Village or 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.

**20-4: PRESIDENTIAL POWERS:** After the proclamation of a civil emergency, the President of the Village 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 gasoline or other liquid flammable 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 any other orders as are imminently necessary for the protection of life and property.

**20-5: PERIOD:** The proclamation herein authorized shall be effective for a period of forty-eight (48) hours unless sooner terminated by a proclamation of the President indicating that the civil emergency no longer exists. The President shall have the power to re-proclaim the existence of a civil emergency at the end of each forty-eight (48) period during the time they said civil emergency exists.

**20-6: NOTICE:** Upon issuing the proclamation herein authorized, the Chief of Police 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: The Village Hall, the Police Station and the Post Office.

**20-7: PENALTIES:** Any person violating the provisions of this Chapter or executive order issued pursuant thereto shall be guilty of an offense against the Village, and shall be punishable in accordance with the general penalty provisions of this Code.

**20-8: INVALIDITY:** If any part, article, section or subdivision of this Chapter shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Chapter, which shall continue in full force and effect notwithstanding such holding.

**20-9: CONSTRUCTION:** Nothing contained in this Chapter shall be construed to impair the powers and contained in the Municipal Code of the Village giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.

## **CHAPTER 21: ZONING**

### Section:

#### Article I. Title, Purpose and Scope

21-1-1: Title

21-1-2: Purpose

21-1-3: Scope

#### Article II. Rules of Construction and Glossary of Terms

21-2-1: Rules of Construction

21-2-2: Glossary of Terms

#### Article III. Establishment of Districts and Official Zoning Map

21-3-1: Establishment of Districts

21-3-2: Official Zoning Map

21-3-3: Amendments to Zoning Maps

#### Article IV. Rules for Interpretation of Districts and Boundaries

21-4-1: Rules for Boundaries

21-4-2: Annexed Territory

#### Article V. District Regulations and Standards

##### Part 1 In General

21-5-1: Uniformity of Application

##### Part 2 Construction and Use

21-5-2: Conformity with District Regulations and Standards

21-5-3: Structures

21-5-4: Main Structures and Uses

21-5-5: Accessory Uses and Structures

21-5-6: Access

21-5-7: Existing Structures

21-5-8: Minimum Floor Elevation

21-5-9: Application of Standards, Etc.

21-5-10: Permitted Uses in Districts

Part 3      Open Spaces

21-5-11: Compliance with Requirements: Limited Applicability

21-5-12: Minimum Dimensions

Part 4      Height

21-5-13: Permitted Excess

21-5-14: Non-applicability of Standards

Part 5      Setback Lines

21-5-15: Conformity with District Standards

Part 6      Yards

21-5-16: Minimum Yard Dimensions

21-5-17: Regulations and Standards Applicable to Structures

Part 7      Lots

21-5-18: Minimum Area

21-5-19: Required Open Spaces

21-5-20: Limitations on Reduction by Sale, Etc.

21-5-21: Depth

21-5-22: Measurement of Depth

21-5-23: Measure of Width

21-5-24 Required Construction Composition of Building

21-5-25 Trailer Coaches

Article VI. Exemptions from Regulations and Standards

21-6-1: Exempted Structures and Uses

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Article VII. Residential (R-1) District

21-7-1: Description

21-7-2: Permitted Uses

21-7-3: Regulations and Standards for Dwellings

21-7-4: Height

21-7-5: Setback Lines

21-7-6: Yards

Article VII. A Family (R-M) Residential District

21-7A-1: Permitted Uses

## Article VIII. Commercial District

- 21-8-1: Description and Purpose
- 21-8-2: Permitted Uses
- 21-8-3: Performance Standards
- 21-8-4: Location of Commercial Establishments
- 21-8-5: Signs
- 21-8-6: Off-Street Parking Spaces
- 21-8-7: Off-Street Loading Berths
- 21-8-8: Buffer Strip
- 21-8-9: Floor Area Ratio
- 21-8-10: Height
- 21-8-11: Yards

## Article IX. Industrial District

- 21-9-1: Description
- 21-9-2: Permitted Uses
- 21-9-3: Signs
- 21-9-4: Buffer Strip
- 21-9-5: Off-Street Parking Spaces
- 21-9-6: Off-Street Loading Berths

## Article X. Nonconformities

### Part 1 Description and Statement of Intent

- 21-10-1: Description
- 21-10-2: Statement of Intent

### Part 2 Rules Governing Nonconformities

- 21-10-3: Enlargement, Expansion, Extension Not Permitted
- 21-10-4: When Rights of Conforming Use or Structure Granted
- 21-10-5: Nonconforming Lots of Record
- 21-10-6: Nonconforming Uses of Land
- 21-10-7: Nonconforming Structures
- 21-10-8: Nonconforming Trailer Coaches
- 21-10-9: Nonconforming Uses of Structures
- 21-10-10: Nonconforming Signs
- 21-10-11: Repairs and Maintenance

## Article XI. Special Uses

### Part 1 Description and Classification

- 21-11-1: Description and Purpose

- 21-11-2: Authorizing Special Use Permits
- 21-11-3: Schedule of Special Uses
- 21-11-4: Applicability of District Regulations

Part 2 Specific Regulations for Commercial Establishments

- 21-11-5: Specific Regulations for Commercial Establishments
- 21-11-6: Application for Special Use
- 21-11-7: Hearing Date and Notice of Public Hearing
- 21-11-8: Hearing by Zoning Board on Special Use
- 21-11-9: Vote of the Village Board
- 21-11-10: Implementation

Article XII. Variances

- 21-12-1: Description and Purpose
- 21-12-2: General Rules and Standards
- 21-12-3: Limitation in Granting Variances
- 21-12-4: Application for Variance
- 21-12-5: Hearing Date and Notice of Public Hearing
- 21-12-6: Hearing by Zoning Board on Variance
- 21-12-7: Vote of the Village Board

Article XIII. Establishment and Duties of Zoning Enforcement Officer

- 21-13-1: Zoning Enforcement Officer
- 21-13-2: Building Permit Application
- 21-13-3: Certificate of Occupancy

Article XIV. Board of Appeals

- 21-14-1: Organization
- 21-14-2: Appeals, How Taken
- 21-14-3: Jurisdiction
- 21-14-4: Standards
- 21-14-5: Miscellaneous
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Article XV. Amendment of Regulations and Districts

- 21-15-1: Procedure for Proposing Amendments
- 21-15-2: Procedure on Petition before Hearing
- 21-15-3: Hearing Date and Notice of Public Hearing
- 21-15-4: Hearing by Zoning Board on Amendment
- 21-15-5: Vote of the Village Board



## Article XVI. Violations and Penalties

21-16-1: Penalty

21-16-2: Civil Remedies

## ARTICLE I: TITLE, PURPOSE AND SCOPE

**21-1-1: TITLE:** This chapter shall be known and may be cited as “The Village of Hopedale Zoning Ordinance.”

**21-1-2: PURPOSE:** The zoning districts established and the zoning regulations and standards adopted herein have been made for the purpose of:

- (A) Securing adequate light, pure air and safety from fire and other dangers;
- (B) Conserving the value of land, building and structures throughout the Village;
- (C) Lessening and avoiding congestion in the public streets;
- (D) Lessening and avoiding hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters;
- (E) Promoting the public health, safety, comfort, morals and general welfare;
- (F) Regulating and limiting the height and bulk of buildings and structures hereafter to be erected;
- (G) Establishing, regulating and limiting the building or setback lines on or along any street, traffic way, drive, parkway or storm or flood water runoff channel or basin;
- (H) Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures;
- (I) Classifying, regulating and restricting the location of trades and industries and the location of buildings, structures and land designed for specified industrial, commercial, residential and other uses;
- (J) Dividing the entire Village into districts of such number, shape, area and such different classes according to the use of land, buildings and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purposes of this Chapter;

- (K) Fixing regulations and standards to which building, structures or uses therein shall conform;
- (L) Prohibiting uses, buildings or structures incompatible with the character of such districts;
- (M) Preventing additions to and alteration or remodeling of existing buildings, structures or uses in such a way as to avoid the restrictions and limitation lawfully imposed under this Chapter.

**21-1-3: SCOPE:** It is not intended by this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or resolutions, except those specifically repealed by this Chapter or amendments hereto, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Village is a party. Where this Chapter imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract or deed, the provisions of this Chapter shall control.

## **ARTICLE II: RULES OF CONSTRUCTION AND GLOSSARY OF TERMS**

**21-2-1: RULES OF CONSTRUCTION:** The following rules shall apply in the construction and interpretation of this Chapter and of the terms used herein:

- (A) The present tense includes the future tense.
- (B) The masculine gender includes the feminine and the neuter.
- (C) The singular number includes the plural, and vice versa.
- (D) The word “shall” is always mandatory; the word “may” is always permissive.
- (E) The word “person” includes a partnership, association, firm, trust, club, company or corporation as well as the individual.
- (F) The word “used” or “occupied” as applied to any land, building, use, structure or premise shall be construed to include the words “intended, arranged, or designed to be used or occupied or located.”
- (G) The word “lot” shall include the words “plot” and “parcel.”

**21-2-2: GLOSSARY OF TERMS:** Unless otherwise expressly stated, for the purposes of this Chapter the following terms, phrases, words and their derivations shall have the meaning herein indicated:

- (A) Governmental Units, Boards and Officials:

**VILLAGE:** The Village of Hopedale, County of Tazewell, State of Illinois.

**VILLAGE BOARD:** The governing body of the Village.

**PLANNING COMMISSION:** The Planning Commission of the Village, or if there be none, they shall mean the Tri-County Regional Planning Commission of Peoria, Tazewell and Woodford Counties.

**ZONING ENFORCING OFFICER:** The officer designated by the Village Board to enforce this Chapter.

**ZONING BOARD:** The Zoning Board of Appeals of the Village.

(B) General Terms:

**ACCESS:** Engress or ingress.

**ACCESSORY:** As applied to a building, structure or use, one which is on the same lot with, incidental and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

**AGRICULTURE:** The growing, harvesting and storing of crops, including legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms and fish and wildlife farms; farm buildings used for growing; harvesting and preparing crop products for market, or for use on the farm; roadside stands; farm buildings for storing and protecting farm machinery and equipment from the elements; for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein the agricultural products produced primarily by others are stored or processed.

**ALLEY:** A permanent service right of way which affords only a secondary means of access to property abutting such right of way and is not intended for general traffic circulation.

**ALTER, ALTERATION:** Any change in the bearing walls, columns, beams, girders or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.

**ANIMAL HOSPITAL:** An establishment for the treatment and/or boarding of small animals such as dogs, cats, rabbits and birds by a veterinarian.

**AREA, BUILDING:** The total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, steps or awning, marquees and nonpermanent canopies and planters.

**AREA, FLOOR, HABITABLE:** The sum of the horizontal areas of all rooms in a building exclusive of basement or cellar, used for habitation, such as living room, dining room, kitchen, bedroom, bathroom or closet, but not including hallways, stairways, service rooms or utility rooms, nor unheated rooms such as enclosed porches, nor rooms without at least one window or skylight opening onto a yard or court, measured between the interior faces of walls.

**AREA LOT:** The total area within the lot lines.

**ASYLUM:** A building having facilities or inpatient nursing care, where physicians and other medical professionals diagnose and treat human mental ailments.

**AUTOMOBILE:** A self-propelled, free-moving motor vehicle for the conveyance of persons on a street and having a seating capacity for not more than ten (10) persons.

**AWNING:** A retractable or removable roof-like structure which, when opened or extended, projects from the wall of a building or structure and overhangs the public way or adjacent yard or court.

**BASEMENT:** A story having part but not more than one-half ( $\frac{1}{2}$ ) its height below grade.

**BERTH, LOADING:** A stall of dimensions herein specified, adjacent to a loading dock for the maneuvering and parking of a vehicle for loading and unloading purposes.

**BILLBOARD:** Any structure or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court, public notices or church bulletins.

**BLOCK:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right of way, waterway, un-subdivided area or other definite boundary.

**BOARDING HOUSE:** A dwelling containing at least three (3) dwelling units or lodging units in whatever combination. Meals are provided within such boarding house to the residents of the lodging units.

**BUFFER STRIP:** An area, property, lot or tract of land or portion thereof, either vacant or landscaped with screen planting as herein specified, which shall serve as a separating space between dissimilar land uses or districts.

**BUILDING:** An enclosed structure having a room supported by columns, walls, arches or other devices and used for the housing, shelter or enclosure of persons, animals and chattels.

**BUILDING, ATTACHED:** A building having two (2) walls in common with other buildings.

**BUILDING, DETACHED:** A building having no walls in common with other buildings.

**BUILDING, SEMI-DETACHED:** A building having one wall in common with another building.

**BUILDING, MAIN PRINCIPAL:** The building in which is conducted the main or principal use of the lot on which it is located.

**BUILDING RESTRICT LINE:** A line usually parallel to the front, side or rear lot line set so as to provide the required yards for a building or structure.

**CAMP:** A tract of land, on which may be located buildings, structures or camping vehicles, which land, together with appurtenances thereon, is used for seasonal, recreational or other similar purposes. A camping vehicle shall not be located in such camp for more than thirty (30) consecutive days. A camp shall not be deemed to include a hospital, sanitarium, nursing or convalescent home, asylum, school, penal or correctional institution, nor a trailer camp.

**CANOPY:** A non-retractable roof-like structure of either a permanent or nonpermanent nature at which projects from the wall of a structure, is supported above the surface of the ground by poles, posts, columns, beams, girders or other similar framework attached to the ground, and overhangs or covers the public way or adjacent yard or court.

**CELLAR:** A story having less than one-half (½) of its height above grade.

**CLINIC:** An establishment without facilities for inpatient nursing care, where one or more physicians and other medical professionals diagnose and treat human physical and/or mental ailments.

**COMPREHENSIVE PLAN:** The complete plan or any of its parts for the development of the County as prepared by the Tri-County Regional Planning Commission or other planning agency and adopted by the governing body as the official plan.

**CONSTRUCTION:** The excavation of earth to provide for a foundation, basement or cellar; and/or, the addition to or removal from a lot or tract of land of earth or water so as to prepare said lot or tract of land for the construction of a structure; and/or, the act of placing or affixing a component of a structure upon the ground or upon another such component and/or, the placing of construction materials in a permanent position and fastened in a permanent manner; and/or, the demolition, elimination and/or removal of an existing structure in connection with such construction.

**COURT:** An open space, other than a yard, on the same lot with a building which is bounded on two (2) or more sides by, but is not enclosed by, the walls of such building.

**COVERAGE:** The percentage of the lot area covered by the building area.

**CURB LEVEL:** The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established, the curb level shall be the average elevation of the land surface taken along the street right-of-way line between the points of intersection of the right-of-way line and the lot lines.

**DISTRICT:** A section of the Village in which zoning regulations and standards are uniform.

**DOCK, LOADING:** A platform-like structure adjacent to a loading berth from which goods are loaded on, and on which goods are unloaded from a vehicle parked in such loading berth.

**DWELLING:** A building designed for residential living purposes and containing one or more dwelling units and/or lodging units.

**DWELLING UNIT:** One or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one family and not more than two (2) roomers or boarders, and which contain a stove, sink, and other kitchen facilities.

**DWELLING, SINGLE FAMILY:** A dwelling containing one dwelling unit.

**DWELLING, MULTI-FAMILY:** A dwelling containing three (3) or more dwelling units.

**DWELLING, GROUP:** A group of two (2) or more single-family or multi-family dwellings, whether attached, semi-detached or detached, in whatever combination, occupying a lot or lots in one ownership.

**EGRESS:** The way over which traffic moves to a street or alley from the property abutting such street or alley and the way over which traffic moves to a major street from a minor street or alley.

**ESTABLISHMENT:** A business, retail, office or commercial use. When used in the singular, this term shall be construed to mean a single use, building, structure or premise of one of the types here noted.

**FAMILY:**

(A) An individual; or

(B) Two (2) or more persons related by blood, marriage or adoption; or

(C) Maximum of five (5) persons not so related; together with his or their domestic servants and gratuitous guests maintaining common household in a dwelling unit or lodging unit.

**FLOOR AREA RATIO:** The ratio of the floor area of a building to its lot area. For example, when a floor area ratio of four-tenths (0.4) is specified, the floor area of a building constructed on a lot of ten thousand (10, 000) square feet in area is limited to a maximum of four thousand (4,000) square feet. The number of stories being optional, the building may be four thousand (4,000) square feet for one story, two thousand (2,000) square feet for each of two (2) stories, and so forth. The purpose of this ratio is to control the bulk of buildings.

**FUNCTIONAL DEFINITION:** A description of a category of land, structure or uses, which outlines the general function of such uses as opposed to a detailed listing of such uses. For example, the functional definition of the agriculture district is “designed to accommodate agricultural uses of all types.”

**GRADE:** The average of the elevations of the surface of the ground measured at all corners of a building.

**HEIGHT:**

(A) As Applied to a Story: The vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor the ceiling next above it.

(B) As Applied to a Building: The vertical measurement from grade to a point midway between the highest and lowest points of the roof.

(C) As Applied to a Structure:

1. Detached Structure: The vertical measurement from the average level of the ground immediately surrounding such structure to the uppermost portion of such structure.

2. Attached Structure: Where such structure is attached to another structure and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such structure to the uppermost portion of such structure shall be the height. Where such structure is attached to another structure and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such structure to the uppermost portion shall be the height.

**HOME OCCUPATION:** A gainful occupation or profession conducted entirely within a dwelling or in a structure accessory thereto, or conducted in connection with a dwelling, and carried on by the resident therein, provided such occupation or profession is clearly incidental and secondary to the use of the dwelling for residential living purposes.

**HOSPITAL:** A building having facilities for inpatient nursing care, where physicians and other medical professionals diagnose and treat human physical ailments.

**HOTEL:** A building containing separate accommodations for use by primarily transient persons. A hotel may contain restaurants, barber shops and other accessory services for serving primarily its residents and only incidentally the public.

**INGRESS:** The way over which traffic moves from a street or alley to the property abutting such street or alley and the way over which traffic moves from a major street to a minor street or alley.

**JUNK YARD:** A lot, land building or structure, or part thereof used primarily for the collecting, storage and/or sale of waste papers, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

**KENNEL, COMMERCIAL:** A structure for sheltering or keeping dogs, bitches and puppies which either is registered or listed as a kennel by a commercial organization; keeps or boards animals not belonging to a family dwelling on the premises; or keeps more than three (3) such animals that are more than six (6) months old.

**LODGING HOUSE:** A dwelling containing at least three (3) dwelling units or lodging units in whatever combination. Meals are not provided within such lodging house to the residents of the lodging units.

**LOT:** The word “lot” when used alone shall mean a zoning lot unless the context of this Chapter clearly indicates otherwise.

**LOT, CORNER:** A lot located:

- (A) At the junction of and abutting two (2) or more intersecting streets; or
- (B) At the junction of and abutting a street and the nearest shoreline or high-water line of a storm or floodwater runoff channel or basin; or
- (C) At the junction of and abutting two (2) or more storm or floodwater runoff channels or basins; or
- (D) At the abutting point of abrupt change of a single street where the interior angle is less than one hundred thirty degrees (135) and the radius of the street is less than one hundred feet (100').

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINES:** The lines bounding a lot.

**MARQUEE:** A non-retractable roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way or adjacent yard or court.



**MOTEL:** A building or a group of buildings whether detached, semi-detached or attached, containing accommodations for primarily transient automobile travelers. The term “motel” includes such buildings designated as tourist courts, tourist cabins, motor lodges and similar terms.

**MOTOR TRUCK, HEAVY** A self-propelled free-moving motor vehicle for the conveyance of goods on a street and having a load capacity of less than one and one-half (1 ½) tons.

**MOTOR VEHICLE:** A self-propelled free-moving vehicle for the conveyance of goods or persons on a street.

**NONCONFORMING LOT, STRUCTURE or USE:** A lot, sign, structure or use which does not conform to the regulations and standards of the district in which it is located.

**NONCONFORMING PREMISE:** A nonconforming lot with a nonconforming structure located on it.

**NURSING or CONVALESCENT HOME:** A building containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

**OPEN SPACE:** The unoccupied space open to the sky on the same lot with a structure.

**OWNER, OWNERSHIP:** An individual, firm, association, syndicate, partnership, corporation, company, organization, trust or any other legal entity having a proprietary interest in a use, structure, premise, lot or tract of land.

**PARKING LOT:** A lot, court, yard or portion thereof used for the parking of vehicles.

**PARKING SPACE:** A space accessory to a use or structure for the parking of one vehicle, the size of which shall be determined as herein specified. A parking space may be located within a building or structure or in the open.

**PERFORMANCE STANDARDS:** Criteria established to control the use of land, structures and premises by the amount of noise, odor, smoke; toxic or noxious matter, radioactive fire and explosive hazards; and the glare of heat or light generated by or inherent to the use of land, structures and premises.

**PLANNED DEVELOPMENT:** A tract of land which is developed as a unit under single ownership or control which includes two (2) or more main or principal structures and is identified to its main or principal use by its functional definition prefix, as dwelling group.

**PLAT:** A map plan or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

**PROPERTY:** The general term denoting, either singularly or in combination, an area, lot, parcel, tract, plot, unit or otherwise designated portion of land.

**RIGHT OF WAY:** The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

**RINGLEMANN CHART:** A chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in grading the density of smoke or particulate matter.

**RINGLEMANN NUMBER:** A particular designated of an area on the Ringlemann Chart that coincides most nearly with the visual density of smoke or particulate matter being observed.

**SANITARIUM:** A private hospital or asylum.

**SANITARY LANDFILL:** A method of disposing of garbage, trash, refuse or any combustible material of an organic nature by the spreading and daily covering of such materials with earth to a depth of not less than two feet (2') on the top surface and one foot (1') on the sides of the bank.

**SANITARY SEWER:** A constructed conduit for the collection and carrying of liquid and solid sewage wastes, other than storm waters, to a sewage treatment plant or disposal facility.

**SCHOOL:** A building or group of buildings, and all associated structures, facilities and grounds in and on which instruction is given.

**SCREEN PLANTING:** A vegetative material of sufficient height and density to filter adequately from view, in adjoining district, structures and uses on the premises upon which the screen planting is located.

**SETBACK LINE:** The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on said lot and the nearest street right-of-way line or center line of the nearest shore line or high water line of a storm of floodwater runoff channel or basin.

**SIDEWALK:** That paved portion of the right of way designed and intended for the movement of and use of pedestrian traffic.

**SIGN:** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, of any civic, charitable, religious, patriotic, fraternal or similar organization or any sign indicating address. Each display surface of a sign shall be considered a sign.

**SMOKE UNIT:** The emission of smoke of a density of Ringelmann Number 1 for a period of one minute, For example: smoke emitted for five (5) minutes at a density of Ringelmann Number 3 would constitute fifteen (15) smoke units.

**SPECIAL CONDITION:** A condition for the establishment of a special use.

**SPECIAL USE:** A use permitted in a district pursuant to, and in compliance with, procedures specified herein.

**STORY:** That portion of a building included between the surface of the floor next above it, or if there be no floor above, then the space between any floor and the ceiling next above it.

**STREET:** A thoroughfare within the right of way which affords the principal means of access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare or by other appropriate name. Streets are identified as follows:

(A) **HIGHWAY:** A street of regional or intercommunity importance for the swift movement of heavy traffic, and identified as a highway on the zoning map.

(B) **MAJOR STREET:** A street which facilitates the movement of traffic from minor streets to the highways and designated as a major street on the zoning map as a highway or major street.

(C) **MINOR STREET:** Any other street, either publicly dedicated or private, not designated on the zoning map as a highway or major street.

**STRUCTURE:** Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, structures include buildings, walls, swimming pools, fences, billboards, porches and signs.

**STRUCTURE, ATTACHED:** A structure connected to another structure

**STRUCTURE, DETACHED:** A structure not connected to another structure.

**STRUCTURE, MAIN or PRINCIPAL:** The structure in or on which is conducted the main or principal use of the lot on which it is located.

**SUBDIVISION:** Any division, development or re-subdivision of any part, lot, are or tract of land by the owner or agent, either by lots or by metes and bounds, into lots two (2) or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement or sale, with the appurtenant streets, alleys and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or owners within the tract subdivided. The division of land for agricultural purposes not involving any new street, alley or other means of access, shall not be deemed a subdivision for the purpose of the regulations and standards of this chapter.

**THEATER, OUTDOOR DRIVE-IN:** An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats.

**TOURIST HOME:** A dwelling containing the dwelling unit of the owner or operator and containing separate accommodations primarily for transient automobile travelers.

**TRAILER COACH:** Any portable or mobile vehicle or mobile home used for residential living purposes by a family. For the purpose of this Chapter such vehicle shall be classified as a trailer coach whether or not its wheels, rollers, skids or other roller equipment have been removed, or whether or not any addition thereto has been built on the ground.

**TRAILER CAMP:** A tract of land meeting the standards established by the County health authorities and by the Illinois State Department of Health.

(A) Where two (2) or more inhabited trailer coaches are parked, or

(B) Which is used by the public as parking space for two (2) or more inhabited trailer coaches.

**USE:** The specific purpose for which land, a structure or premise is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include a nonconforming use.

**VARIANCE:** A deviation from the regulations or standards adopted by this Chapter which the Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure or premise for which the variance is sought.

**WINDOW:** An opening in an exterior wall of a building, other than a door, which provides all or part of the natural light or ventilation, or both, to an interior space.

**YARD:** An open space, other than a court, on the same lot with a structure, lying between the structure and nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

**YARD, FRONT:** A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line or the nearest shore line or high-water line of a storm or floodwater runoff channel or basin, both such yards shall be classified as front yards. Each yard of a corner lot facing a street right-of-way line or the shore line or high-water line of a storm or floodwater runoff channel or basin shall be classified as a front yard.

**YARD, REAR:** A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.

**YARD, SIDE:** A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the required rear yard.

**ZONE:** See District.

**ZONING LOT:** A single property, parcel, unit, tract, plot or otherwise designated portion of land, having metes and bounds, which is designated to be used, under single ownership or control, and which may be occupied by one or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A “zoning lot” may or may not coincide with a lot of record.

### **ARTICLE III. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP**

**21-3-1: ESTABLISHMENT OF DISTRICTS:** For the purpose of promoting the public health, safety, morals and general welfare, the Village is hereby divided into the following types and districts:

- |   |                      |
|---|----------------------|
| R | Residential District |
| C | Commercial District  |
| I | Industrial District  |

**21-3-2: OFFICIAL ZONING MAP:** The location and boundaries of the districts established by this Chapter are shown on the zoning map, which map, together with all explanatory matter thereon, is adopted by reference and incorporated herein, and is hereby made a part of this Chapter just as if fully described herein. A copy of said Map shall be and remain on file in the office of the Village Clerk.

**21-3-3: AMENDMENTS TO ZONING MAPS:** All amendments to this Chapter which affect the location and boundaries of the districts established herein or of districts hereafter established shall be accompanied by, as part of said amending ordinance, a copy of the zoning map as modified by said amending ordinance, showing the changes made by said amendment, or in lieu thereof, a detailed description of such changes. In addition, when major changes are made to the area zoned by this Chapter, accompanying the amending ordinance there shall be a copy of the official zoning map as so modified which shall be designated: “Amended Official Zoning Map NO:\_\_\_ of the Village of Hopedale,” and which shall be known as the official zoning map from and after the effective date of the amending ordinance, until replaced by a subsequent amendment.

## **ARTICLE IV: RULES FOR INTERPRETATIONS OF DISTRICTS AND BOUNDARIES**

**21-4-1: RULES FOR BOUNDARIES:** Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following rules shall apply:

(A) Streets and Alleys: Boundaries indicated as approximately following the center lines of streets or alleys shall be construed to follow such center lines.

(B) Lot Lines: Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.

(C) Village Limits: Boundaries indicated as approximately following Village limits shall be construed as following such Village limits.

(D) Railroad Lines: Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(E) Parallels or Extensions of Above: Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

(F) Other: Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections (A) through (E) above, the Zoning Board shall interpret the district boundaries.

**21-4-2: ANNEXED TERRITORY:** All territory which may hereafter be annexed to the Village shall be considered as being in the R Residential District until otherwise changed by ordinance.

## **ARTICLE V: DISTRICT REGULATIONS AND STANDARDS**

### **Part 1. In General**

**21-5-1: UNIFORMITY OF APPLICATION:** The regulations and standards set by this Chapter within each district shall be minimum regulations and standards and shall apply uniformly to each class, kind or type of structure, use of land except as hereinafter provided.

### **Part 2. Construction and Use**

**21-5-2: CONFORMITY WITH DISTRICT REGULATIONS AND STANDARDS:** No structures of land shall hereafter be used or occupied and no structure or part thereof shall hereafter

be constructed, erected, altered, remodeled, extended or moved unless in conformity with all the regulations and standards herein specified for the district in which it shall be located.

**21-5-3: STRUCTURES:** No structure shall hereafter be constructed, erected, altered, remodeled, extended or moved:

- (A) To exceed the height.
- (B) To occupy a house a greater number of families.
- (C) To occupy a greater percentage of the lot area.
- (D) To exceed the floor area ration.
- (E) To have similar or less habitable floor area per dwelling unit or lodging unit.
- (F) To exceed the maximum floor area than hereinafter required or in any manner contrary to the regulations and standards of the district in which it is located.

**21-5-4: MAIN STRUCTURES AND USES:** In no case other than in planned developments shall there be more than one main or principal structure, or main or principal use on one lot or tract of land.

**21-5-5: ACCESSORY USES AND STRUCTURES:** No accessory use shall be established prior to the establishment of the main or principal use, and no accessory structure shall be constructed, erected, altered, remodeled, extended or moved prior to the establishment or construction of the main or principal structure except those accessory uses and structures of a temporary nature required for the establishment of the main or principal use, or for the construction of the main or principal structure.

**21-5-6: ACCESS:** No structure shall be construed or erected on a lot or tract of land or moved to a lot or tract of land which does not abut a public street or permanent easement of access to a public street. Such easement shall have a minimum width of twenty feet (20') unless an easement of less width was on record prior to the effective date hereof.

**21-5-7: EXISTING STRUCTURES:** Nothing in this Chapter shall be deemed to require any change in the plans, construction or designated use of any structure existing or upon which construction was lawfully begun prior to the effective date hereof; provided, that such structure shall be completed within one calendar year from the effective date hereof.

**21-5-8: MINIMUM FLOOR ELEVATION:** Minimum floor elevation of any building constructed on land subject to flood shall be at least two feet (2') above the highest known high water line.

**21-5-9: APPLICATION OF STANDARDS, ETC:** The performance standards, regulations and standards, rules, requirements, provisions and restrictions set by this Chapter shall apply to all structures, uses, lots and tracts of land created or established after the effective date hereof and shall not be deemed to require any change in the structures, uses, lots and/or tracts of land lawfully existing on the effective date of hereof except as expressly specified hereinafter.

**21-5-10: PERMITTED USES IN DISTRICTS:** The uses permitted in one district shall not be permitted in any other district unless specifically stated.

### Part 3. Open Spaces

**21-5-11: COMPLIANCE WITH REQUIREMENTS; LIMITED APPLICABILITY:** No part of a yard, buffer strip or other open space, off-street parking space or loading berth, or lot area required about or in connection with any structure or use for the purpose of complying with the regulations and standards of this Chapter shall be included as part of a yard, buffer strip or other open space, off-street parking space or loading berth, or lot area similarly required for any other structure or use.

**21-5-12: MINIMUM DIMENSIONS:** No yard, buffer strip or other open space, off-street parking space or loading berth, or lot existing on the effective date hereof shall be reduced in dimension or area below the requirements set forth hereinafter. Yards, buffer strips or other open spaces, off-street parking spaces or loading, berths, or lots created or established after the effective date hereof shall meet at least the minimum requirements established by this Chapter.

### Part 4. Height

**21-5-13: PERMITTED EXCESS:** The height of any main or principal structure or accessory building may exceed the maximum permitted height by one foot (1') for each additional foot by which the width of each yard exceeds the minimum yard dimension for the district in which such structure is located. Notwithstanding the foregoing a structure cannot have a height that is greater than a plane that is thirty (30) feet above the existing ground at the west line of the property described in the following paragraph as Parcel 1, nor eighty (80) feet at the east side of the property described in the following paragraph along a line extending east from the middle of a helipad constructed on property owned by Hopedale Medical Foundation (Parcel 2) parallel to the south right of way of Lincoln.

The property upon which the restriction applies (Parcel 1) is described as follows:

PART OF THE SOUTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 23 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN IN TAZEWELL COUNTY, ILLINOIS. SAID PART BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF SECTION 26; THENCE NORTH 88 DEGREES 04 MINUTES 49 SECONDS EAST ALONG THE NORTH LINE OF THE SAID SOUTHWEST QUARTER OF



SECTION 26 A DISTANCE OF 733.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 04 MINUTES 49 SECONDS EAST ALONG THE SAID NORTH LINE A DISTANCE OF 522.14 FEET; THENCE SOUTH 45 DEGREES 58 MINUTES 59 SECONDS WEST A DISTANCE OF 397.50 FEET TO A POINT ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 190.00 FEET AND AN ARC LENGTH OF 140.31 FEET; THENCE ON A CHORD BEARING OF SOUTH 66 DEGREES 53 MINUTES 45 SECONDS WEST A CHORD DISTANCE OF 137.14 FEET; THENCE SOUTH 88 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 99.32 FEET; THENCE NORTH 01 DEGREE 55 MINUTES 11 SECONDS WEST A DISTANCE OF 315.92 FEET TO THE POINT OF BEGINNING, CONTAINING 2.505 ACRES MORE OR LESS.

BASIS OF BEARINGS ARE TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83) PART OF PIN: 18-26-300-013

#### PARCEL 2

PART OF THE SOUTHWEST QUARTER OF SECTION 26 AND PART OF THE SOUTHEAST QUARTER OF SECTION 27 ALL IN TOWNSHIP 23 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN IN TAZEWELL COUNTY, ILLINOIS. SAID PART BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND STONE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF SECTION 26; THENCE NORTH 88 DEGREES 04 MINUTES 49 SECONDS EAST ALONG THE NORTH LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 26 A DISTANCE OF 733.22 FEET; THENCE SOUTH 01 DEGREE 55 MINUTES 11 SECONDS EAST A DISTANCE OF 315.92 FEET; THENCE NORTH 88 DEGREES 09 MINUTES 06 SECONDS EAST A DISTANCE OF 99.32 FEET TO A POINT ON A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 190.00 FEET AND AN ARC LENGTH OF 140.31 FEET; THENCE ON A CHORD BEARING OF NORTH 66 DEGREES 53 MINUTES 45 SECONDS EAST A CHORD DISTANCE OF 137.14 FEET; THENCE NORTH 45 DEGREES 58 MINUTES 59 SECONDS EAST A DISTANCE OF 397.50 FEET TO A POINT ON THE SAID NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26; THENCE NORTH 88 DEGREES 04 MINUTES 49 SECONDS EAST ALONG THE SAID NORTH LINE A DISTANCE OF 89.50 FEET TO A POINT ON THE TANGENT EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF LINCOLN STREET; THENCE SOUTH 45 DEGREES 58 MINUTES 59 SECONDS WEST ALONG THE EXTENSION OF THE SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 463.91 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 250.00 FEET AND AN ARC LENGTH OF 184.46 FEET; THENCE ON A CHORD BEARING OF SOUTH 66 DEGREES 56 MINUTES 13 SECONDS WEST A CHORD DISTANCE OF 180.31 FEET; THENCE SOUTH 88 DEGREES 09 MINUTES 06 SECONDS WEST PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 27 A DISTANCE OF 2187.84 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 01 DEGREE 36 MINUTES 40 SECONDS WEST ALONG THE

SAID WEST LINE A DISTANCE OF 375.00 FEET TO A FOUND COTTON SPINDLE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27; THENCE NORTH 88 DEGREES 09 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF THE SAID SOUTHEAST QUARTER OF SECTION 27 A DISTANCE OF 1353.36 FEET TO THE POINT OF BEGINNING, CONTAINING 18.933 ACRES MORE OR LESS.

BASIS OF BEARINGS ARE TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83). PART OF PIN: 18-26-400-009, 18-26-300-019, and 18-26-300-018.

*(Ordinance 12-16-13, 2013)*

**21-5-14: NON-APPLICABILITY OF STANDARDS:** Height regulations and standards shall not apply to spires, belfries, penthouses or domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles and towers, silos, grain elevators and other necessary mechanical appurtenances, provided their location shall conform where applicable to the regulations and standards of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

#### Part 5 Setback Lines

**21-5-15: CONFORMITY WITH DISTRICT STANDARDS:** All buildings and all main or principal structures shall be positioned in conformity with the setback line regulations and standards specified hereinafter for the district in which they are located.

#### Part 6. Yards

**21-5-16: MINIMUM YARD DIMENSIONS:** Notwithstanding any other provisions of this Chapter, the minimum yard dimensions in this Article shall not be reduced except through action by the Zoning Board, the County Board or by the operation of law.

**21-5-17: REGULATIONS AND STANDARDS APPLICABLE TO STRUCTURES:** The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located:

- (A) Yards shall be kept unobstructed for their entire depth except as specified hereinafter.
- (B) Private driveways, service drives, easements, sidewalks, flag poles, arbors, trellises, fences, walls, columns, light poles, hydrants, patios, accessory signs and other decorative recreational and utility devices and equipment may be placed in any yard.
- (C) Visibility: Notwithstanding any other provisions of this Chapter, the following visibility regulations and standards shall apply:

1. Interior Lots: Fences, wall and/or hedges may be placed in any yard, provided that no fence, wall and/or hedge along the sides or front edge of the front yard of an interior lot shall exceed the height herein permitted:

a. Along the front property line, and the side property lines to the building setback line, a height of four feet (4').

b. From the building setback line along the side and rear property line a fence, wall and/or hedge may be placed not to exceed eight feet (8') in height.

2. Corner Lot: On a corner lot nothing shall be constructed, erected, placed, planted or allowed to grow in such manner as to obstruct the vision of traffic approaching the corner from either direction.

a. A fence, wall and/or hedge may be placed on a corner lot beginning at the building setback line along the side and rear property line not to exceed eight feet (8') in height.

3. Junk yards and automobile salvage yards shall have a solid fence or wall eight feet (8') in height placed along the front of the property at the building setback line, and along the side and/or rear property lines to screen the property from view, entrance gates to the property shall also be constructed of a solid material the same height as the fence.

#### Part 7. Lots

**21-5-18: MINIMUM AREA:** Unless the regulations and standards of the district in which lots are located require greater lot areas, lot widths or lot depths, the following regulations and standards shall apply to lots platted or created after the effective date hereof.

(A) A lot without a public water supply system and without a public sanitary sewer system shall be not less than twenty thousand (20,000) square feet in area.

(B) A lot served by either a public water supply system or a public sanitary sewer system shall be not less than eight thousand five hundred (8,500) square feet in area.

(C) Notwithstanding the district regulations, within the agriculture district, a lot may be created on which is located, on the effective date hereof, an existing dwelling, such as a tenant farm home, or a farm manager's dwelling; provided, such lot shall be not less than twenty thousand (20,000) square feet in area, and a lot of not less than one hundred feet (100').

**21-5-19: REQUIRED OPEN SPACES:** Lots hereafter platted or created shall have adequate lot area, width and lot depth to provide for off-street parking spaces and loading berths, yards, buffer strips and other open spaces required.

**21-5-20: LIMITATIONS ON REDUCTION BY SALE, ETC.:** Lots hereafter platted or created shall not be reduced in area, width and/or depth by sale, development or subdivision so that lot area, lot width, lot depth, lot area per dwelling unit, lot area per loading unit, yards, buffer strips or other open spaces required are narrower or smaller than specified hereinafter.

**21-5-21: DEPTH:** No lot hereafter platted or created shall be less than one hundred feet (100') in depth.

**21-5-22: MEASUREMENT OF DEPTH:** The minimum lot depth shall be measured along the shorter side lot line.

**21-5-23: MEASURE OF WIDTH:** The lot width shall be measured at the setback line.

**21-5-24: REQUIRED CONSTRUCTION COMPOSITION OF BUILDINGS:**

(A) It shall rest upon a footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.

(B) It shall have sanitary facilities which comply with all other requirements of the Hopedale Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.

**21-5-25: TRAILER COACHES:** Trail coaches are expressly prohibited in all districts.

**ARTICLE VI: EXEMPTIONS FROM REGULATIONS AND STANDARDS**

**21-6-1: EXEMPTED STRUCTURES AND USES:** The following structures and uses are exempted from the application of the district regulations and standards and are permitted in any district:

(A) Utility Fixtures, poles, towers, wires, cables, conduits, vaults, laterals, pipe mains, valves or any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines, railroad right of way, water reservoir, provide that the installation shall conform where applicable with the rules and regulations of the Illinois Commerce Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

(B) Agricultural Purposes: Land used or to be used for agricultural purposes and the erection, maintenance, repair, alteration, remodeling or extensions of building or structures used or to be used for agricultural purposes except that buildings or structures used for agricultural purposes shall be required to conform to setback lines in the district where located.'

(C) Landfill: Filling of holes, pits, low lands and gullies with noncombustible material other than refuse and food wastes. A permit is not required for clean soil, sand or gravel filling.

(D) Golf Courses: Standard golf courses, provided that all buildings, structures and parking spaces appurtenant thereto conform to the setback lines and yard requirements of the district in which located, and further provided that if the fairways or greens or any part thereof are illuminated for night playing, it shall be located as a special use under Article XI of this Chapter.

(E) Libraries: Libraries, provided that any buildings or parking spaces shall conform to the setback lines and yard requirements of the district in which located.

## **ARTICLE VII: RESIDENTIAL DISTRICT**

**21-7-1: DESCRIPTION:** The Residential (R-1) District includes single-family dwellings, two-family dwellings and multi-family dwellings.

**21-7-2: PERMITTED USES:** Permitted uses in this District are:

(A) Dwellings of the following types: single-family detached, single-family semi-detached, single-family attached, two-family attached, two-family detached and semi-detached.

(B) Conversions: Any structure within this District may be converted into one of the dwellings permitted in this District, provided all requirements for such dwellings are met.

(C) Home occupations are permitted only in connection with the single and two-family dwellings permitted in this District. They shall be subject to the following regulations and standards:

1. No article shall be sold or offered for sale on the premises except such as is produced on the premises or is provided incidental to the service or profession conducted on the premises.
2. There shall be no exterior storage of materials or equipment.
3. There shall be no exterior indication of the home occupation other than signs and no variation from the residential character of the dwelling.
4. No heat, glare, noise, vibration, noxious or toxic fumes, odors, vapors, gases or matter shall be produced at any time by a home occupation which is readily detectable without the use of instruments at any point on the boundaries of the premises.
5. The emission of smoke as specified in Section 21-8-3 (A) of this Chapter shall not be exceeded.

6. Signs in connection with a home occupation shall:

- a. Not be illuminated;
- b. Not extend beyond lot lines;
- c. Not exceed two (2) square feet in area, in total area per lot.

7. Except for members of the family living on the premises, there shall be no more than one employee.

(D) Commercial establishments, limited to those retail and service establishments serving primarily the inhabitants of the Residential District in which such establishments are located, shall be permitted whether as a new structure or conversion of an existing structure only as a special use, in accordance with, and subject to, the provisions of Article XI, Part 2 of this Chapter (special uses), and to the setback, lot area and width, and maximum floor area, floor area ratio and coverage requirements of this Article.

(E) Accessory structures and uses customarily incidental to the main or principal structures permitted in the Residential (R-1) District.

(F) Agriculture is permitted throughout the Residential (R-1) District but not the keeping or raising of poultry, birds, or similar fowl or livestock.

(G) Public, parochial or private schools offering instruction in one or more grades from kindergarten through twelfth grade.

(H) Churches or similar places of worship, parish houses, Sunday schools.

(I) Public libraries, art galleries, public parks, playgrounds and community centers.

(J) Doctors' clinics (Ordinance 12-16-13, 2013)

**21-7-3: REGULATIONS AND STANDARDS FOR DWELLINGS:** The following regulations and standards shall apply to all dwellings:

(A) Occupancy:

1. Dwelling Unit: Residential occupancy per dwelling unit shall be limited to one family and not more than two (2) roomers or boarders.

2. Lodging Unit: Residential occupancy per lodging unit shall be limited to one family.

(B) Location: Dwellings shall be located so as to abut a minor street but may abut a major street only if access to and from such street is provided by a merging feeder system.

(C) Habitable Floor Area: The minimum habitable floor area per dwelling unit and per lodging unit shall be as follows:

1. Single and two-family dwelling: five hundred (500) square feet per dwelling unit.
2. Multi-family dwelling: three hundred (300) square feet per dwelling unit.

(D) Off-Street Parking Space:

1. The minimum required number of parking spaces shall be as follows:

- a. Single and two-family dwelling: two (2) parking spaces per dwelling unit.
- b. Dwelling unit or lodging unit in commercial building, where permitted:

One parking space per dwelling unit.  
One parking space per lodging unit.

2. All such parking spaces shall be located on the same lot or tract of land as the dwelling or building served.

3. Such parking space for the accommodation of an automobile or light motor truck shall total at least one hundred eighty (180) square feet exclusive of maneuvering area.

4. Such parking space for the accommodation of a heavy motor truck, motor bus or other vehicle shall be of dimensions herein specified for an off-street loading berth.

5. Not more than one such space within a private garage or private carport shall be rented or leased to a nonresident of the premises.

(E) Lot Area and Density:

1. Minimum Lot Area: Each zoning lot shall have an area of at least nine thousand (9,000) square feet, a lot width of at least seventy-five feet (75') and a lot depth of at least one hundred feet (100').

2. Maximum Density: The number of dwelling units per lot shall not exceed the lot area in square feet divided by two thousand five hundred fifty (2,550) square feet. Fractional dwelling units resulting from this computation shall not be counted nor rounded upward to the next higher whole number.

3. Maximum Coverage: The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed thirty percent (30%).

**21-7-4: HEIGHT:** Except as provided in Article V, Part 4 of this Chapter:

(A) No main or principal structure shall exceed thirty-five feet (35') in height, except that multi-family dwellings shall be permitted to a height of six (6) stories. Notwithstanding the foregoing the provisions of 21-5-13 shall apply where applicable. (Ordinance 12-16-13, 2013)

(B) No detached accessory structure shall exceed fifteen feet (15') in height.

**21-7-5: SETBACK LINES:** The following setback line regulations and standards shall apply to all main or principal structures and all detached accessory structures except such as are permitted in yards as provided in Section 21-5-17 (B) hereof:

(A) Where the lot abuts a highway as designated on the Zoning Map, the minimum setback line shall be sixty feet (60') from the nearest right-of-way line.

(B) Where the lot abuts a major street as designated on the Zoning Map, the minimum setback line shall be thirty feet (30') from the nearest right-of-way line or sixty feet (60') from the center line, whichever is greater.

(C) Where the lot abuts a minor street, the minimum setback line shall be twenty-five feet (25') from the nearest right-of-way line or fifty feet (50') for the center line, whichever is greater.

(D) Where twenty five percent (25%) or more of the lots within a block (Such lots abutting streets other than highways) were occupied by main or principal structures prior to the effective date hereof, the average of the setback lines of such structures shall be the minimum setback line of the remaining vacant lots within such block except where the public health, safety, comfort, morals or welfare are endangered.

(E) Where the lot abuts a storm or floodwater runoff channel or basin, the minimum setback line shall be fifty feet (50') from the nearest shore line or high water line.

**21-7-6: YARDS:** On every lot a front yard, a rear yard and two (2) side yards are required, the dimensions of which shall be equal to or greater than the following:

(A) Front yard depth, twenty-five feet (25') unless the building is constructed in an established block front in which case the front yard depth shall be the average of the front yard depths of the two (2) buildings, one on either side. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the lot. No accessory building shall project into the required front yard space.



(B) Side yard width, ten feet (10'). No accessory building shall project into the required side yard space.

(C) Rear yard depth, twenty-five feet (25'). Accessory buildings may be erected in a rear yard, provided they are at least three feet (3') from the rear lot line, and provided further, that the maximum lot coverage is not exceeded.

#### **21-7A-1: MULTI-FAMILY (R-M) RESIDENTIAL DISTRICT**

(A) 1. Any use permitted as a “permitted use” in the R-1 District.

2. Multiple-family dwellings and apartments.

3. Community residence, retirement homes, congregate living facilities.

(B) SPECIAL USES: The following are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter\_\_ of this Title:

1. Any use permitted as a “special use” in the R-1 District.

2. Boarding houses, lodging houses.

3. Public buildings such as art galleries and libraries.

4. Membership clubs and lodges not primarily oriented to services normally carried on as a business or primarily for gain and including dining facilities for the exclusive use of members.

(C) Dwellings: The following regulations and standards apply to all Dwellings.

Occupancy:

Dwelling Unit: Residential Occupancy per dwelling unit shall be limited to one family and not more than two (2) roomers or boarders.

Lodging Unit: Residential occupancy per lodging unit shall be limited to one family.

(D) Location:

Dwellings shall be located so as to abut a minor street but may abut a major street only if access to and from such street is provided by a merging feeder system.

(E) Habitable Floor Area: The minimum habitable floor area per dwelling unit shall be as follows:

1. Single and two-family dwelling: five hundred (500) square feet per dwelling unit.
2. Multi-family dwelling: three hundred (300) square feet per dwelling unit.
3. Boarding house, lodging house: three hundred (300) square feet per dwelling unit, one hundred fifty (150) square feet per lodging unit.
4. Dwelling unit or lodging unit in commercial building where permitted: three hundred (300) square feet per dwelling unit, one hundred fifty (150) square feet per lodging unit.

(F) Off-Street Parking Space:

1. The minimum required number of parking spaces shall be as follows:
  - a. Single and two-family dwellings: two (2) parking spaces per dwelling unit.
  - b. Multi-family dwellings; boarding houses; lodging houses:  
  
One parking space per dwelling unit.  
One parking space per lodging unit.
  - c. Dwelling unit or lodging unit in commercial building where permitted:  
  
One parking space per dwelling unit.  
One parking space per lodging unit.
2. All such parking spaces shall be located on the same lot or tract of land as the dwelling or building served.
3. Such parking space for the accommodation of an automobile or light motor truck shall total at least one hundred eighty (180) square feet exclusive of maneuvering area.
4. Such parking space for the accommodation of a heavy motor truck, motor bus or other vehicle shall be of dimensions herein specified for an off-street loading berth.
5. Not more than one such space within a private garage or private carport shall be rented or leased to a non-resident of the premises.

(G) Required Lot Area and Lot Width:

1. Every interior lot multi-family dwelling hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100) and

a minimum lot area of the greater or: a) thirteen thousand two hundred (13,200) square feet, or b) two thousand two hundred fifty (2,250) square feet per dwelling unit.

2. Every corner lot multi-family dwelling hereafter erected or structurally enlarged shall provide a minimum lot as measured at the building line of one hundred twenty feet (120) and a minimum lot area of the greater of: a) fifteen thousand eight hundred forty (15,840) square feet, or b) two thousand two hundred fifty (2,250) square feet per dwelling unit.

(H) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide or maintain the following yard requirements:

1. Front yard. No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135') in which case the front yard shall be no less than twenty five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty five feet (35') or twenty five feet (25') requirement, then in such established districts the front yard depth may be the same as, but no less than, the building immediately adjacent to either side of the proposed building.

2. Side Yard. No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').

3. Rear Yard. No building shall be erected or enlarged without providing or maintaining a rear yard of twenty-five feet (25')

(I) Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations:

Thirty-five feet (35') or two and one-half (2 ½) stories.

(J) Zero Lot Line Duplex: A duplex of which both dwelling units may be sold separately if:

1. At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to ensure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this subsection shall be interpreted as permitting the construction of any adjacent buildings using only one wall for both buildings; each building shall have its own wall.

2. A re-subdivision plat dividing the lot has been approved by the Village Zoning Officer prior to recording. A formal subdivision procedure shall not be required.

3. The duplex otherwise complies with the requirements of the Zoning Code, as amended from time-to-time. The subdivided lot shall be considered as one lot for purposes of all other provisions of the Zoning Code.

## **ARTICLE VIII: COMMERCIAL DISTRICT**

**21-8-1: DESCRIPTION AND PURPOSE:** The Commercial District is designated by providing locations for commercial establishments which are generally more extensive in range of service than those permitted in the Residential District.

**21-8-2: PERMITTED USES:** Permitted uses in this District are:

(A) Those uses permitted in the Residential District, subject to the yard requirements of the residential District.

(B) Retail stores and shops.

(C) Banks; post office, medical or dental clinics; business or professional offices.

(D) Service-type business, such as barber shop, beauty shop, laundromat, music, dancing, art or photography studio, servicing or repair of home appliance or farm equipment and similar uses.

(E) Automobile service stations and public garages; new or used car sale areas; new or used farm equipment sales area; but not including the storage of wrecked vehicles or farm equipment.

(F) Hotel, motel, boarding or lodging houses; dwelling units located on the same lot with a permitted use.

(G) Clubs, lodges, public meeting halls; theaters; bowling alley; similar places of assembly or recreation.

(H) Customary accessory uses, located on the same or adjacent lot with a permitted use. Signs advertising a business, service or product available on the premises shall be permitted, provided the total area of such signs shall not exceed two (2) times the lineal feet of frontage of the zoning lot.

**21-8-3: PERFORMANCE STANDARDS:** The following performance standards shall apply in the Commercial District:

(A) Smoke and Particulate Matter: No commercial establishment shall be allowed which produces emission of smoke of more than five (5) units per stack; however, during one hour period in each twenty four (24) hours, each stack may emit up to ten (10) smoke units per hour when blowing soot or cleaning fires with no more than six (6) minutes of smoke of density of Ringelmann Number 2.

(B) Vibrations, Heat or Glare: No commercial establishment shall be allowed which produces vibrations, heat or glare readily detectable by normal human senses without the use of instrument at the lot lines of each establishment.

(C) Toxic or Noxious Matter, Odors, Vapors or Gases: No use shall discharge across the lot lines wherein it is located, toxic or noxious matter, odors, vapors or gases in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

(D) Flammable or Explosive Hazards:

1. The use of solid materials or products ranging from incombustible to moderate burning is permitted.

2. The storage and use of solid materials or products ranging from free or active burning to intense burning is permitted, provided said materials or products shall be stored and used within completely enclosed buildings having incombustible exterior walls and protected throughout by an effective automatic fire extinguishing system.

3. The storage and use of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted.

Total capacity of Flammable Materials Permitted (In Gallons)

	<u>Above Ground</u>	<u>Underground</u>
Materials having a closed cup flash point over 187 degrees F.	275	100,000
From and including 105 degrees F. to and including 187 degrees F.	55	40,000
Materials having a closed cup flash point of less than 105 degrees F.	5	20,000

When flammable gases are used and measured in cubic feet, the quantity in cubic feet (at standard temperature and pressure) permitted shall not exceed three hundred (300) times the quantities as listed above where the factor 300 is the volume in cubic feet occupied by one gallon of most liquids.

(E) Fissionable or Radioactive Materials: All handling or use of fissionable or radioactive materials shall conform to standards established by the U.S. Atomic Energy Commission.

**21-8-4: LOCATION OF COMMERCIAL ESTABLISHMENTS:** Each commercial establishment shall be located so as to abut a minor street, but may abut a major street only if access to and from such street is provided by a merging feeder system.

**21-8-5: SIGNS:**

(A) No part of roof-mounted signs shall be higher than fifty feet (50') above average curb level.

(B) The gross area of signs per establishment shall not exceed three (3) times the lineal feet of the frontage of the establishment on which such signs are located.

(C) No sign affixed to a structure shall project more than three feet (3') beyond the limits of such structure and shall not project across lot lines.

**21-8-6: OFF-STREET PARKING SPACE:** Off-street parking spaces for commercial establishments shall be provided as follows:

(A) All such parking spaces shall be located on the same lot or tract of land as the establishment served.

(B) The number of such parking spaces shall be the sum of the individual requirements of the various individual establishments computed separately in accordance with this Section. Such parking spaces for one such establishment shall not be considered as providing the number of such parking spaces for any other establishment.

(C) Such parking space for the accommodation of an automobile or a light motor truck shall total at least three hundred (300) square feet including both parking and maneuvering area.

(D) Such parking space for the accommodation of a heavy motor truck, motor bus or other shall be of dimensions herein specified for on off-street loading berth.

(E) No such parking spaces shall be located less than twenty feet (20') from any front curb line or ten feet (10') from any sidewalk.

(F) No such parking spaces shall be located less than five feet (5') from any side or rear lot line.

(G) Schedule of Off-Street Spaces:

1. Hotel, motel, tourist home, private club and all other similar places offering overnight accommodations.	(1 parking space for the owner or manager, plus 1 parking space for each accommodation.)
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|---|---|
| <p>2. Places of public assembly, including private clubs, lodges, fraternal organizations not providing overnight accommodations, assembly halls, exhibition halls, town halls, convention halls, auditoriums, skating rinks, dance halls, bowling alleys, athletic fields, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fair ground, community buildings, public administration buildings and other similar places of relatively infrequent public assembly.</p> | <p>(1 parking space for each 5 seats provided for patron's use, or at least 1 parking space for each 200 square feet of floor area used or intended to be used for service to the public as customers, patrons or clients, whichever requires the greater number of parking spaces)</p> |
| <p>3. Retail establishments for the sale of food and/or beverages to be consumed on the premises.</p>   | <p>(1 parking space for every 100 square feet of floor area or portion thereof).</p>  |
| <p>4. Retail establishments other than specified above; banks, business, financial and professional buildings.</p>  | <p>(1 parking space for every 200 square feet of floor area or portion thereof).</p>  |
| <p>5. Mortuaries, undertaking and funeral parlors.</p>  | <p>(1 parking space for each 5 seats or portion thereof in the chapel or parlor plus 1 parking space for each vehicle maintained on the premises).</p>  |
| <p>6. Animal hospitals, clinics, and offices of physicians</p>  | <p>(1 parking space for each employee plus 3 parking spaces for each staff or visiting physician).</p>  |

**21-8-7: OFF-STREET LOADING BERTHS:** Off-street loading berths for commercial establishments shall be provided as follows:

(A) All such berths shall be located on the same lot or tract of land as the establishments served except when serving adjacent establishments when the loading berth requirement is sufficient to serve both establishments.

(B) No such berth shall be located less than fifty feet (50') from the building restriction line of a dwelling or residential building unless such berth is screened from the public view by a fence, wall or hedge at least seventy five percent (75%) solid and at least six feet (6') in height.

(C) No such berth shall be located within fifty feet (50') from the nearest point of intersection of two (2) streets.

(D) All such berths shall be designed with means of vehicular access to a street or alley which will least interfere with traffic movement.

(E) All such berths shall be improved with a compacted base at least six inches (6") thick and shall be surfaced with at least two inches (2") of some all-weather dustless material.

(F) Schedule of Off-Street Loading Berths:

Floor Area of Establishment in Square Feet	Minimum Required Number and Size of Loading Berths
1-9,999	1 (12 x 40 feet)
10,000-24,999	2 (10 x 40 feet)
25,000-39,999	2 (10 x 70 feet)
40,000-99,999	3 (10 x 70 feet)
100,000-249,999	4 (10 x 70 feet)

For each additional two hundred thousand (200,000) square feet or portion thereof of floor area, one additional berth shall be provided to be at least 10 x 70 feet in dimensions.

(G) All such berths shall have a vertical clearance of at least fourteen feet (14').

(H) No vehicle repair or service work shall be performed on any such berth.

(I) No such berth shall be located less than ten feet (10') from any front lot line.

(J) No such berth shall be located less than five feet (5') from side or rear lot line.

**21-8-8: BUFFER STRIP:** Where a lot on which a commercial establishment shall be located abuts or adjoins any other district except an industrial district, a buffer strip of not less than thirty feet (30') in width shall be provided, and:

(A) Shall be located on such lot on the side of such lot abutting any other district;

(B) Shall be parallel to the lot lines of such lot facing any other district;

(C) Shall be maintained with a screen planting at least six feet (6') in height except where such buffer strip parallels the front line of such lot, in which case such screen planting shall not be required;

(D) Shall not be used for parking, loading, or unloading;

(E) Shall not be included in any side or rear yard dimension;



(F) May coincide with the front thirty feet (30') of the front yard; and

(G) May be crossed by sidewalks, easements, access ways and service drives not more than thirty five feet (35') in width.

**21-8-9: FLOOR AREA RATIO:** The following regulations and standards shall apply when computing the floor area ratio of a commercial building:

(A) Cellars may be excluded from such computations.

(B) Where the front or side lot line of a commercial lot abuts or adjoins a public open property of at least five (5) acres in area and of a depth perpendicular to such front or side lot line of at least two hundred feet (200'), the maximum floor area ratio may be increased by fifteen percent (15%).

(C) The minimum floor area ratios as herein specified shall not apply to outdoor commercial recreational uses nor to commercial parking lots.

(D) For a commercial building, the minimum floor area shall be 0.2, and the maximum floor area ratio shall be 1.2, except as modified by Section 21-8-9 (B) herein.

**21-8-10: HEIGHT:** Except as provided in Section 21-5-13:

(A) No main or principal structure shall exceed thirty-five feet (35') in height.

(B) No detached accessory structure shall exceed fifteen feet (15') in height.

**21-8-11: YARDS:** On every lot in the Commercial District, yards shall be required as follows:

(A) Front Yard: None required, except that gasoline pumps or similar fuel-dispensing equipment shall be at least ten feet (10') from the front property line.

(B) Side Yards: None required.

(C) Rear Yard: One required, at least twenty feet (20') in depth.

## **ARTICLE IX: INDUSTRIAL DISTRICT**

**21-9-1: DESCRIPTION:** The Industrial District embraces all types of industrial uses, including both light and heavy industry and related operations.

**21-9-2: PERMITTED USES:** Permitted uses in the Industrial District are:

- (A) Those uses permitted in the Residential and Commercial Districts subject to the standards and regulations applicable to those Districts.
- (B) Grain storage; feed mills; fertilizer storage and processing.
- (C) Wholesale, storage and warehouse facilities except those specifically prohibited.
- (D) Railroad yards, siding and switching facilities; public utilities.
- (E) Fuel storage, building material storage yard or similar storage yards, but not including salvage or junk yards.
- (F) Agriculture.
- (G) The manufacture or processing of goods or products.
- (H) Customary accessory uses.
- (I) Signs, provided that the gross area of signs shall not exceed six (6) times the lineal feet of frontage of the lot on which such signs are located.
- (J) Sanitary landfills.

**21-9-3: SIGNS:** The following regulations as to signs shall apply in the Industrial District:

- (A) The top of roof-mounted signs shall not be higher than twenty- five feet (25') from roof level.
- (B) The gross area of signs per lot shall not exceed six (6) times the lineal feet of frontage of the lot on which such signs are located.
- (C) No sign affixed to a structure shall project more than five feet (5') beyond the limits of such structure and shall not project across lot lines.

**21-9-4: BUFFER STRIP:** Where a lot on which an industrial use shall be located abuts or adjoins any other zoning district, a buffer strip of not less than forty feet (40') in width shall be provided, and:

- (A) Shall be located on such lot on the side thereof abutting the zoning district boundary;
- (B) Shall be parallel to the lot line of such lot facing the other zoning district;
- (C) Shall be maintained with a screen planting at least six feet (6') in height, except where such buffer strip parallels the front lot line of such lot, in which case such screen planting shall not be required;

- (D) Shall not be used for parking, loading or unloading;
- (E) Shall not be included in any side or rear yard dimension;
- (F) May coincide with the front forty feet (40') of the front yard; and
- (G) May be crossed by sidewalks, easements, access ways and service drives not more than thirty five feet (35') in width.

**21-9-5: OFF-STREET PARKING SPACES:** Off-street parking spaces for industrial uses shall be provided as follows:

- (A) One such space shall be provided for each three (3) employees, based upon the maximum number of persons employed during one work period during the day or night, plus one such space for each vehicle used in the conduct of such use.
- (B) Such space for the accommodation of an automobile or light motor truck shall total at least three hundred (300) square feet, including both parking and maneuvering areas.
- (C) Such space for the accommodation of a heavy truck motor truck, motor bus or other vehicle shall be of dimensions herein specified for an off-street loading berth.
- (D) All such spaces shall be surfaced with all-weather dustless material.
- (E) No such space shall be located less than twenty feet (20') from any front curb line or ten feet (10') from a sidewalk.
- (F) No such space shall be located less than five feet (5') from any side or rear lot line.

**21-9-6: OFF-STREET LOADING BERTHS:** Off-street loading berths for industrial uses shall be provided as follows:

- (A) All such berths shall be located on the same lot as the industrial use served.
- (B) No such berth shall be located less than one hundred feet (100') from the building restriction line of a dwelling or residential building unless such is from public view by a fence, wall or hedge at least seventy five percent (75%) solid and at least six feet (6') in height.
- (C) No such berth shall be located less than fifty feet (50') from the nearest point of intersection of two (2) streets.
- (D) All such berths shall be improved with a compacted base at least seven inches (7") thick and shall be surfaced with at least two inches (2") of some all-weather dustless material.

(E) All such berths shall be designed with means of vehicular access to a street or alley which will least interfere with traffic movement.

(F) Schedule of Off-Street Loading Berths:

Floor Area of Building in Square Feet	Minimum Required Number and Size of Loading Berths
1-9,999	1 (12 x 40 feet)
10,000-24,999	2 (10 x 40 feet)
25,000-39,999	2 (10 x 70 feet)
40,000-99,999	3 (10 x 70 feet)
100,000-249,999	4 (10 x 70 feet)
For each additional 200,000 square feet or portion thereof of floor area, one additional such berth shall be provided to be at least 10 x 70 feet in dimensions.	

(G) All such berths shall have a vertical clearance of at least fourteen feet (14').

(H) No vehicle repair or service work shall be performed on any such berth.

(I) No such berth shall be located less than ten feet (10') from any front lot line nor less than five feet (5') from any side or rear lot line.

## ARTICLE X: NON-CONFORMITIES

### PART 1. Description and Statement of Intent

**21-10-1: DESCRIPTION:** Within the districts established by this Chapter, or by amendments that may later be adopted, there may exist lots, premises, structures and uses which were lawful before this Chapter, or any amendment thereto, was effective, but which would be prohibited, regulated or restricted under the provisions of this Chapter or future amendment. These are commonly known as nonconforming uses, structures, etc., and are herein referred to under the general term “nonconformities.”

**21-10-2: STATEMENT OF INTENT:** Under the law, nonconformities are permitted to be continued, subject to certain conditions and restrictions. It is the intent of this Chapter to permit these nonconformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such nonconformities are declared by this Title to be incompatible with the permitted structures and uses of land and structures in the districts involved. It is further the intent of this Chapter that such nonconformities shall not be enlarged upon, expanded or extended

except as provided herein, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

## **PART 2. Rules Governing Non-conformities**

**21-10-3: ENLARGEMENT, EXPANSION, EXTENSION NOT PERMITTED:** A nonconforming use of land, premises or structures shall not be enlarged upon, expanded or extended after the effective date hereof by the attachment of a structure, premises or land, of additional signs intended to be seen off the premises or land, or by the addition of other uses of a nature which would be prohibited in the district involved.

**21-10-4: WHEN RIGHTS OF CONFORMING USE OR STRUCTURE GRANTED:** A nonconforming use or a nonconforming structure which is nonconforming only because of failure to provide required off-street parking spaces, loading berths or setbacks shall have all the rights of a conforming use or structure.

### **21-10-5: NONCONFORMING LOTS OF RECORD:**

(A) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory building may be erected on any lot which is a lot of record on the effective date hereof. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirement not involving area or width, or both, of the lots shall conform to the regulations hereinafter provided.

#### **(B) Yard Regulations and Standards for Single Nonconforming Lots of Record:**

1. Front Yard: The front yard regulations and standards of the district in which such lot is located shall apply.
2. Rear Yard: The rear yard regulations and standards of the district in which such lot is located shall apply.
3. Side Yard: On such lot with a width of fifty feet (50') or more, two (2) side yards shall be provided as required by the regulations and standards of the district in which such lot is located.

On such lot less than fifty feet (50') but not less than twenty-seven feet (27') in width, two (2) side yards shall be provided, each equaling ten percent (10%) of the lot width.

On such lot less than twenty-seven feet (27') but not less than twenty feet (20') in width, the structure located on such lot shall have a width of not more than ninety percent (90%) of such lot width. Only one side yard need be provided, equaling in width the difference

between the lot width and the maximum permitted width of the structure. No other side yard need be provided.

The wall of any building facing the side of the lot on which no side yard is required shall be without openings and shall not be constructed as a common wall.

**21-10-6: NON-CONFORMING USES OF LAND:** Where, on the effective date hereof or amendment of this Chapter, a lawful use of land exists that is no longer permissible under the regulations and standards of this Chapter as adopted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

(A) No such nonconforming use of land shall be enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Chapter.

(B) No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Chapter.

(C) If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the regulations and standards set by this Chapter for the district in which such land is located.

**21-10-7: NON-CONFORMING STRUCTURES:** Where, on the effective date hereof or amendment hereto, a lawful structure exists that could not be built under the regulations and standards of this Chapter as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ratio, height, yards, spacing between buildings or other characteristics of the structure or its location on the lot; such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

(A) No such structure may be enlarged or altered in a way which increases its nonconformity.

(B) Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.

(C) Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

**21-10-8: NON-CONFORMING TRAILER COACHES:** Where, on the effective date of adoption or an amendment of this Chapter, a lawful trailer coach exists on a residential lot which could not exist there under the regulations and standards of this Chapter as adopted or amended, such trailer coach may continue to exist on such a lot as long as it remains lawful subject to the following provisions:

(A) Such nonconforming trailer coaches must be removed on the sale, lease, bequest, devise, inheritance or legacy of the property.

(B) Should such trailer coach be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of its destruction, it shall not be replaced except in conformity with the provisions of this Chapter.

**21-10-9: NON-CONFORMING USES OF STRUCTURES:** Where, on the effective date of adoption or amendment of this Chapter, a lawful use of a structure or of a premises exists that is no longer permissible under the regulations and standards of this Chapter as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or altered except in changing the use of such structure to a use permitted in the district in which it is located.

(B) Any nonconforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this Chapter, but no such use shall be extended to occupy land outside of such structure.

(C) If no structural alterations are made, any nonconforming use of a structure or any premise may be changed to another nonconforming use, provided that the Zoning Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board may require appropriate conditions and safeguards in accord with the provisions of this Chapter.

(D) Any structure, or any premise, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such structure or premises is located, and the nonconforming use shall not be resumed.

(E) When a nonconforming use of a building or structure, or of a premise, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure or the premise shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located.

**21-10-10: NON-CONFORMING SIGNS:** Where, on the effective date of adoption or amendment of this Chapter, a lawful sign exists that could not be located under the regulations and standards of this Chapter as adopted or amended, by reasons of restrictions on location, sign area, height or other characteristics, such sign may be continued so long as it remains otherwise lawful subject, however, to the following limitations and provisions:

(A) No such sign may be enlarged or altered which increases its nonconformity but the substitution or interchange of poster panels or painted boards shall be permitted;

(B) Should such sign be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter;

(C) Should such sign be moved for any reason for any distance whatever, it shall hereafter conform to the regulations and standards for the district in which it is located after it is moved.

**21-10-11: REPAIRS AND MAINTENANCE:** On any structure devoted in whole or in part to any nonconforming use, or which itself is nonconforming, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not to exceed ten percent (10%) of the then current replacement value of the structure; provided, that the volume of such building or amendment of this Chapter shall not be increased. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **ARTICLE XI: SPECIAL USES**

### **Part 1: Description and Classification**

**21-11-1: DESCRIPTION AND PURPOSE:** A “special use” is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. It is hereby declared the policy and purpose of this Chapter to employ the special use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights.

**21-11-2: AUTHORIZING SPECIAL USE PERMITS:** Special use permits may be granted by the Village Board by ordinance, in a specific case and after a public hearing before the Zoning Board in accordance with the procedure hereinafter set forth when it appears:

(A) That is reasonably necessary for the public convenience at that location;

(B) That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare;

(C) That it conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located;



(D) That in the case of an existing nonconforming use, will make such use more compatible with its surroundings.

**21-11-3: SCHEDULE OF SPECIAL USES:** Special uses which may be authorized by the Village Board are as follows:

(A) General Category:

1. Auditoriums in Residential and Industrial Districts.
2. Cemeteries in Residential Districts.
3. Churches, synagogues, cathedrals, mosques and places of public worship; convents, monasteries and rectories in all districts except the industrial districts.
4. Clubs, private clubs, private lodges and country clubs in the Residential and the Commercial Districts.
5. Commercial establishments in the Residential Districts, supplying the every-day needs and services of the residents of the surrounding area, subject to the regulations specified in Section 21-11-5 of this Chapter.
6. Electric substations, filtration plants, pumping stations, telephone exchanges, police stations, fire stations and governmental administration buildings in all districts.
7. Fairgrounds, circuses, coliseums, race tracks and expositions in the Industrial and Commercial Districts.
8. Golf courses (3 par) or standard golf courses with illuminated fairways or greens in the Commercial and Industrial Districts.
9. Hospitals, nursing homes, wellness centers, physician offices, administrative office to any uses specified in this sentence. (Ordinance 12-16-13, 2013)
10. Institutions for aged persons and children in all districts except the Industrial and Conservation Districts.
11. Junk yards in the Industrial District, provided they shall be enclosed on all sides by a solid fence, wall or hedge at least eight feet (8') in height.
12. Motor bus passenger terminals in the Commercial Districts.
13. Philanthropic and eleemosynary institutions in the Residential and Commercial Districts.

14. Radio and television broadcasting stations in all districts.
15. Schools (secondary or college) in any district.
16. Sewage treatment plants in the Industrial and Commercial Districts.
17. Theaters, outdoor drive-in, in the Industrial and Commercial Districts.
18. Public swimming pools or swimming areas in the Commercial District.
19. Illuminated signs in the Commercial District.
20. Child care facilities. (Ordinance 12-16-13, 2013)

**21-11-4: APPLICABILITY OF DISTRICT REGULATIONS:** In addition to any special conditions or restrictions prescribed by the Village Board, the yard and setback line regulations and standards of the district in which the special use is located shall apply.

## **Part 2: Specific Regulations for Certain Uses**

### **21-11-5: SPECIFIC REGULATIONS FOR COMMERCIAL ESTABLISHMENTS:**

The following specific regulations and standards shall apply to the commercial establishments in Residential Districts, classified as special uses in Section 21-1-3 (A) 5 herein:

(A) Location: Any such commercial establishment shall be located so as to about a direct access street, but may abut a limited access street only if access to and from such street is provided by a merging feeder system.

(B) Business:

1. All businesses shall be conducted within an enclosed building except for off-street parking, loading and unloading; and except for those businesses serving agriculture, located in agriculture districts, which are normally carried on in the open.

2. Establishments of the “drive-in” type offering goods and services directly to customers waiting in parked vehicles shall not be permitted.

(C) Performance Standards, Nuisances and Hazards:

1. Smoke and Particulate Matter: No commercial establishment shall be allowed which produces emission of smoke of more than five (5) smoke units per hour per stack; however, during one hour period in each twenty four (24) hours each stack may emit up to ten (10)

smoke units per hour when blowing soot or cleaning fires, with no more than four (4) minutes of smoke of a density of Ringelmann Number 2.

2. Variations, heat or glare which are readily detectable by normal human sense without the use of instruments at the lot lines.

3. Toxic or noxious matter, odors, vapors or gases. No use shall discharge across the lot lines wherein it is located, toxic or noxious matter, odors, vapors or gases in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property, business, crops or livestock.

(D) Signs: Signs in connection with a commercial establishment shall:

1. Not be illuminated;

2. Not extend beyond lot lines; and

3. Not to exceed an area of one-sixth ( $1/6$ ) of the lineal feet of frontage of the lot on which such establishment is located or thirty (30) square feet, whichever is smaller.

(E) Landscaping: Commercial establishments in a Residential District shall maintain the following landscape standards:

1. All open, unpaved, uncovered and unsheltered yards and all other open spaces shall be planted with trees at least two inches (2") in diameter measured at a point of five feet (5') above the ground surface. A tree-planting ratio of at least one such tree for every two thousand (2,000) square feet of lot area shall be maintained.

2. All parking lots and carports with a capacity of six (6) or more vehicles visible from the front line of the front yard of the lot on which such parking lots and carports are located shall be screened from public view with a fence, wall or hedge at least fifty percent (50%) solid and at least two and one-half feet ( $2\frac{1}{2}$ ) but not more than four feet (4') in height.

(F) Off-Street Parking Spaces: Off-street parking spaces for commercial establishments shall be provided as follows:

1. All such parking spaces shall be located on the same lot or tract of land as the establishment served.

2. The number of such parking spaces required shall be the sum of the individual requirements of the various individual establishments, computed separately in accordance with this Section. Such parking spaces for one such establishment shall not be considered as providing the number of such parking spaces for any other such establishment.

3. Such parking space for the accommodation of an automobile or a light motor truck shall be at least three hundred (300) square feet including both maneuvering and parking area.
4. Such parking space for the accommodation of a heavy motor truck, motor bus or other vehicle shall be of dimensions herein specified for an off-street loading berth.
5. All such parking space in a Residential District shall be surfaced with some all-weather dustless material.
6. No such parking space shall be located less than ten feet (10') from any front lot line.
7. No such parking space shall be located less than five feet (5') from any side or rear lot line.
8. Section 21-5-17 (C) 2 shall apply.
9. Schedule of Off-Street Parking Spaces:
  - a. Clinics and offices of physicians shall provide three (3) such parking spaces for each staff or visiting physician plus one such parking space for each other employee.
  - b. Business, professional, financial and office buildings, other than noted in subsection 9 above, shall provide one such parking space for every one hundred (100) square feet of floor area.
  - c. Retail stores shall provide one such parking space for every one hundred (100) square feet of floor area.
  - d. Farm businesses shall provide one such parking space for each employee not being on the premises.

(G) Off-Street Loading Berths: Off-street loading berths for commercial establishments shall be provided as follows:

1. All such loading berths shall be located on the same lot or tract of land as the establishment served except when serving adjacent establishments when the loading berth requirements are sufficient to serve both such establishments.
2. No such loading berth in a Residential District shall be located less than fifty feet (50') from the building restriction line of a dwelling or residential building unless such loading berth is screened from view by a fence, wall or hedge at least seventy five percent (75%) solid and at least six feet (6') in height.
3. No such loading berth shall be located within fifty feet (50') from the nearest point of intersection of two (2) streets.

4. Such loading berth shall be designed with means of vehicular access to a street or alley which will least interfere with traffic movement.
5. Such loading berth in a Residential District shall be improved with a compacted base at least six inches (6") thick and shall be surfaced with at least two inches (2") of some all-weather dustless material.
6. No such loading berth shall be located less than ten feet (10') from any front lot line.
7. No such loading berth shall be located less than five feet (5') from any side or rear lot line.
8. Section 21-5-17 (C) 2 shall apply.
9. No vehicle repair or service work shall be performed on any such loading berth located in a Residential District.
10. All such loading berths shall have a vertical clearance of at least fourteen feet (14').

**21-11-6: APPLICATION FOR SPECIAL USE:** An application for one of the special uses of land specified in Section 21-11-3 may be made by filing a written application or petition to the Village Board in quintuplicate, in the office of the Zoning Officer. Such application shall:

- (A) State the name and address of the applicant (and the name and address of the owner of record, if applicant is not such owner);
- (B) State the location of the property for which the special use is sought;
- (C) Request the specific special use desired;
- (D) State facts sufficient to demonstrate that the conditions prescribed in Section 21-11-2 exist, and support such statements with any plans and/or data necessary for a proper understanding of the application or such plans and/or data as are recommended by the Zoning Officer or the Village Board.

The original copy of such application or petition shall be retained by the Zoning Officer and the duplicate shall be transmitted to the Village Clerk for the records of the Village Board.

**21-11-7: HEARING DATE AND NOTICE OF PUBLIC HEARING:**

- (A) If the application for special use is in proper form, the Zoning Officer shall set a hearing date for the application and shall cause a notice of the time and place of such public hearing to be published in a newspaper of general circulation in the Village not less than fifteen (15) days nor more than

thirty (30) days prior to the date of hearing. Such notice shall contain the particular location for which the special use is requested as well as a brief statement describing the special use.

(B) Within five (5) days after publication, a copy of such published notice shall be mailed to the applicant at the address given in such application, and a copy shall be mailed or delivered to the Village Clerk with the certificate of the publisher attached.

(C) If the application is not in proper form, the Village Board shall notify the applicant in writing, and send a copy of such communication to the Village Clerk, and no hearing shall be set nor notice published until a proper application is filed.

#### **21-11-8: HEARING BY ZONING BOARD ON SPECIAL USE:**

(A) A public hearing on the application for special use shall be conducted by the Zoning Board on the date set in accordance with the general rules for meetings.

(B) After the hearing, the Zoning Board shall make a report of their findings to the Village Board, and in said report shall indicate their approval or disapproval of the special use applied for. Every report shall contain a finding of fact specifying the reason for the Zoning Board's recommendations of approval or disapproval. Such report may also recommend that special conditions and safeguards for the protection of the public health, safety and welfare be imposed by the Village Board if it grants the application for special use

#### **21-11-9: VOTE OF THE VILLAGE BOARD:**

(A) Upon the report of the Zoning Board, the Village Board may, by ordinance, without further public hearing, grant the application or petition for the special use or they may refer it back the Zoning Board for further consideration.

(B) An ordinance granting an application for special use may be adopted by the majority vote of the Village Board, regardless of the recommendation of the Zoning Board except in those cases where a written protest against the granting of such special use is filed with the Village Clerk signed and acknowledged by the owners of fifty percent (50%) of the frontage immediately adjoining, across an alley therefrom, or directly opposite the frontage for which the special use is sought. In these cases, a two-thirds (2/3) vote of the members of the Village Board present and voting at a meeting at which a quorum is present shall be required. A written protest shall be filed in the office of the Village Clerk at least five (5) days before the Village Board meeting next following the Zoning Board hearing. The Village Clerk shall forward the same to the Chairman of the Village Board's Zoning Committee.

(C) Every ordinance granting an application for special use shall contain a finding of fact specifying the reason for granting same, and shall specify any special conditions or safeguards for the protection of the public health, safety and welfare which the Village Board may impose.

**21-11-10: IMPLEMENTATION:** If a special use that has been granted is not implemented within one year from the date of enactment by application for and issuance of a permit according to plans as presented and approved, that special use shall be rescinded and the land area involved shall revert to the zoning use that existed at the time of the grant of said special use.

A special use about to expire may be extended for a year by application for renewal through the same process as required for the initial grant of such use.

## **ARTICLE XII: VARIANCES**

**21-12-1: DESCRIPTION AND PURPOSE:** A “variance” may be granted in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the regulations herein relating to the use, construction or alteration of buildings or structures or the use of land. Such variance in the application of the regulations must be in harmony with the general purpose and intent of this Chapter and the regulations and standards adopted herein, and in accordance with the general and specific rules and standards hereinafter set forth in regard to the granting of such variances.

**21-12-2: GENERAL RULES AND STANDARDS:** The Village Board may grant a variance, by ordinance, in a specific case and after a public hearing before the Zoning Board, in accordance with the procedure hereinafter set forth when it appears:

- (A) That special conditions and circumstances exist which are not applicable to other lands or structures in the same district;
- (B) That literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Chapter;
- (C) That the special conditions and circumstances do not result from the actions of the applicant;
- (D) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands or structures in the same district.

No nonconforming use of neighboring lands or structures in the same district, and no permitted use of lands or structures in other districts shall be considered grounds for the issuance of a variance.

**21-12-3: LIMITATION IN GRANTING VARIANCES:** When it appears that the conditions set forth in Section 21-12-2 have been satisfied, the Zoning Board shall not recommend that the Village Board grant a variance except in the following instances:

- (A) To permit any yard, court, buffer strip, setback line or spacing between buildings of less dimension than required by the applicable regulations;

- (B) To permit a reduction in the minimum or an increase in the maximum floor area ratio imposed by the applicable regulations;
- (C) To permit any structure to exceed the height limitations imposed by the applicable regulations;
- (D) To permit greater coverage than required by the applicable regulations;
- (E) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot;
- (F) To permit a reduction in the minimum habitable floor area of a dwelling unit or a lodging unit;
- (G) To permit a reduction in the minimum or an increase in the maximum floor area of a building as imposed by the applicable regulations;
- (H) To permit a reduction in the number of off-street parking spaces or loading berths required about or in connection with a use;
- (I) To permit the reconstruction of a nonconforming structure which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value by fire, an act of God, the public enemy, where the Zoning Board shall find some compelling necessity requiring a continuance of the nonconforming structure.
- (J) To permit in a Residential District the creation of new lots having areas less than the minimum specified for the district, where such new lots conform with the size of lots directly across the street from and immediately adjacent on either side to, the tract being subdivided; provided, that the tract is located in an area which has been partially subdivided prior to the enactment of this Chapter; it being the purpose of this variance to allow the logical completion of a subdivision plan already in progress and not to permit the extension of smaller lot sizes to surrounding lands.

**21-12-4: APPLICATION FOR VARIANCE:** Variances in the application of the zoning regulations and standards adopted herein may be applied for by filing a written application or petition to the Village Board, in triplicate, in the office of the Zoning Officer. Such application shall:

- (A) State the name and address of the applicant;
- (B) State the location of the property for which the variance is sought;
- (C) State facts which the applicant believes bring him within the requirements set forth in Section 21-12-2; and
- (D) Request a variance restricted to one or more of the situations described in Section 21-12-3 herein.



The original copy of such application shall be retained by the Zoning Officer; the duplicate copies shall be transmitted by the Zoning Officer to the Village Clerk for the records of the Village Board.

#### **21-12-5: HEARING DATE AND NOTICE OF PUBLIC HEARING:**

(A) If the application for variance is in proper form, the Zoning Board shall set a hearing date for the publication and shall cause a notice of the time and place of such public hearing to be published in a newspaper of general circulation in the Village not less than fifteen (15) days nor more than thirty (30) days prior to the date of hearing. Such notice shall contain the particular location for which the variance is requested as well as a brief statement of what the proposed variance consists.

(B) Within five (5) days after publication, a copy of such published notice shall be mailed to the applicant at the address in such application, and a copy shall be mailed or delivered to the Village Clerk.

(C) If the application is not in proper form, the Zoning Board shall notify the applicant in writing, and send a copy of such communication to the Village Clerk, and no hearing shall be set nor notice published until a proper application is filed.

#### **21-12-6: HEARING BY ZONING BOARD ON VARIANCE:**

(A) A public hearing on the application for variance shall be conducted by the Zoning Board on the date set in accordance with the general rules for meetings provided in Section 21-14-1 herein, and such hearing may be continued from time to time as required.

(B) After the hearing, the Zoning Board shall make a report of their findings to indicate their approval or disapproval of such proposed variance. Every report shall contain findings of fact specifying the reason for the Zoning Board's recommendation of approval or disapproval.

#### **21-12-7: VOTE OF THE VILLAGE BOARD:**

(A) Upon the report of the Zoning Board, the Village Board may, by ordinance, without further public hearing, adopt the proposed variance or they may refer it back to the Zoning Board for further consideration.

(B) No proposed variance which fails to receive the approval of the Zoning Board may be adopted by the Village Board except by the favorable vote of three-fourths (3/4) of all the members of the Village Board.

(C) Every ordinance granting a variance shall contain findings of fact specifying the reason for making such variation.

## **ARTICLE XIII: ESTABLISHMENT AND DUTIES OF ZONING ENFORCEMENT OFFICER**

**21-13-1: ZONING ENFORCING OFFICER:** The Zoning Enforcing Officer is hereby authorized and directed to enforce all the provisions of this Chapter. The Zoning Enforcing Officer shall be appointed by the Village Board. The Zoning Enforcing Officer shall have the power to:

- (A) Issue building permits.
- (B) Grant certificates of occupancy permits.
- (C) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Chapter.

### **21-13-2: BUILDING PERMIT APPLICATION:**

(A) No building or structure within the Village shall hereafter be erected, moved, altered, or razed, nor shall any such work be started to erect, move, alter or raze until a building permit shall have been obtained from the Zoning Enforcing Officer, as required by the Village Building Code; nor shall any material change be made in the use of any building or land without a building permit having been obtained from the Zoning Enforcing Officer. No such building permit shall be issued to erect a building or structure or make any change of use of a building or land unless it is in conformity with the provisions of this Chapter and all amendments hereto. The Zoning Enforcing Officer shall have the authority to issue permits for temporary buildings and uses for construction purposes, when said building or use will not continue for a period exceeding one year. Unless construction is started within six (6) months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The Zoning Officer may reinstate a building permit that has become void for failure to commence construction without payment of further fees in his discretion upon good cause show. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Chapter shall be collected by the Zoning Enforcing Officer in advance or issuance. The amount of such fees shall be established by ordinance or resolution of the Village Board.

(B) The Zoning Enforcing Officer shall not refuse to issue a permit when conditions imposed by this Chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreement which may occur upon the granting of such permit.

(C) The Zoning Enforcing Officer shall require that all applications for building permits be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot drawn to scale.

2. The shape, size and location of all building or other structures upon it, including, in residential areas the number of dwelling units the building is intended to accommodate.

3. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Chapter are being observed.

One copy of the plans shall be returned to the applicant by the Zoning Enforcing Officer, after he shall have marked such copy either as approved or disapproved. The second copy shall be retained in the office of the Zoning Enforcing Officer.

**21-13-3: CERTIFICATE OF OCCUPANCY:** No land, building, structure or part thereof shall be occupied by or for any use for which a building permit is required by this Chapter unless and until a certificate of occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate.

(A) Certificates Not to be Issued: No certificate of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Chapter.

(B) Certificates Required: No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

(C) Certificates Including Zoning: Certificates of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Chapter.

(D) Certificates for Existing Buildings: Certificates of occupancy will be issued for existing buildings, structures or parts thereof or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land are in conformity with the provisions of this Chapter.

(E) Temporary Certificates: Nothing in this Chapter shall prevent the Zoning Enforcing Officer from the issuing of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months nor more than five (5) days after the completion of the building ready for occupancy, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this Chapter.

(F) Records of Certificates: A record of all certificates issued shall be kept on file in the Office of the Zoning Enforcing Officer, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(G) Certificates for Dwelling Accessory Building: Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plat plan and when completed at the same time as such dwelling.

(H) Application for Certificates: Application for certificates of occupancy shall be made in writing to the Zoning Enforcing Officer on forms furnished by the Village, and such certificates shall be issued if, after final inspection, it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Chapter. If such certificate is refused for cause, the applicant therefore shall be notified in writing of such refusal and cause thereof.

## **ARTICLE XIV: BOARD OF APPEALS**

### **21-14-1: ORGANIZATION:**

(A) A Board of Appeals is hereby established in accordance with the provisions of the State Statute applicable hereto.

(B) Regular meetings of the Board shall be held at such time and place within the Village as the Board may determine. Special meetings may be held at the call of the Chairman, or as determined by the Board. Such Chairman, or, in his absence, the Acting Chairman, may administer oaths and compel attendance of witnesses.

(C) All meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member of every question. If any member is absent or fails to vote, the minutes shall indicate such fact. The Board shall adopt its own rules of procedure not in conflict with the State Statute of this Chapter.

### **21-14-2: APPEALS, HOW TAKEN:**

(A) Appeals to the Board may be taken by any person aggrieved or by an officer, department, board or bureau of the Village.

(B) Such appeal shall be taken within twenty (20) days from the date of the action appealed from, by filing with the Zoning Enforcing Officer and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Enforcing Officer shall forthwith transmit to the Board all papers constituting the records upon which the action appealed from was taken.

(C) An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcing Officer certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

(D) The Board of Appeals shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. The Board may reverse or affirm, wholly or partly, or may modify the use, requirement, decision or determination as, in its opinion, ought to be made in the premises.

**21-14-3: JURISDICTION:** The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Chapter, but does not have the power to act on those matters where this Chapter provides for an administrative review, interpretation and to authorize a variance as defined in this Chapter and laws of the State of Illinois. Said powers include:

(A) Administrative Review: To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Enforcing Officer or any other administrative official in carrying out or enforcing any provisions of this Chapter.

(B) Special Use: To hear and recommend to the Village Board provisions of this Chapter for interpretations of the Zoning Map and for decisions on special use situations on which this Chapter specifically authorizes the Board to approve. Any special use permit shall be subject to such conditions as the Board may require to preserve and promote the character of the Zoning District in question and otherwise promote the purpose of this Chapter.

(C) Variance: To recommend to the Village Board, upon an appeal, a variance from the strict application of this provisions of this Chapter. In recommending a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Chapter. In recommending a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

**21-14-4: STANDARDS:** Each case before the Board of Appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to particular circumstances of such case. All uses as listed in any district requiring Board approval in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. The Board shall give consideration to the following:

(A) The location and size of the use.

(B) The nature and intensity of the operations and vehicular traffic to and from the use.

(C) Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.

(D) The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.

(E) Taking into account among other things, convenient routes of pedestrian traffic, particularly of children.

(F) Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distance and the general character and intensity of development of the neighborhood.

(G) The location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(H) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another.

(I) The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.

**21-14-5: MISCELLANEOUS:** No order of the Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.

**21-14-6: APPEALS TO COURT:** All final administrative decisions of the Board of Appeals rendered under the terms of this Chapter shall be subject to judicial review pursuant to the provisions of the “Administrative Review Act” approved May 8, 1945, and all amendments thereof, and the rules adopted pursuant thereto.

## **ARTICLE XV: AMENDMENT OF REGULATIONS AND DISTRICTS**

### **21-15-1: PROCEDURE FOR PROPOSING AMENDMENTS:**

(A) The Village Board may from time to time on its own motion, or Zoning Board, or on petition, amend by ordinance the districts created and established and the regulations and standards adopted in this Chapter and in any future amendments hereto.

(B) The Village Board may, by resolution, refer to the Zoning Board a proposed amendment, stating the specific changes proposed to be made, and shall transmit one copy of the resolution to the Zoning Officer and one to the Zoning Board.

(C) When an amendment is proposed by the Zoning Board, the Board shall prepare a statement of recommendation to the Village Board, stating the specific changes proposed to be made and explain why such amendment may be needed or desirable, and shall file three (3) copies of such statement in the office of the Zoning Officer. The Zoning Officer shall retain the original copy of the statement, and the duplicate copies shall be transmitted to the Village Clerk for the records of the Village Board.

(D) If the amendment is proposed by petition of a person or persons other than the Zoning Board, such proposal may be made by filing three (3) copies of a written petition to the Village Board in the office of the Zoning Officer, such petition shall;

1. State the name and address of the petitioner or petitioners;
2. State the interest of the petitioner in the property involved and/or in the changes sought by the amendment;
3. State the specific changes sought and state facts sufficient to demonstrate need for or desirability of such changes, and support such statements with any plans and/or data necessary for a proper understanding of the changes proposed and the grounds therefore, or such plans and/or data as are recommended by the Zoning Officer or prescribed by the Zoning Board or Village Board.

The original copy of such petition and any supporting documents shall be retained by the Zoning Officer; the duplicate copies shall be transmitted to the Village Clerk for the records of the Village Board.

**21-15-2: PROCEDURE ON PETITION BEFORE HEARING:** If the amendment proposed may not be adopted legally under the laws of this State, the Village Board shall notify the petitioner in writing and send a copy of the communication to the Village Clerk.

**21-15-3: HEARING DATE AND NOTICE OF PUBLIC HEARING:** Within a reasonable time after receipt of a copy of a resolution statement of recommendation or petition, as provided in Section 21-15-1 herein, the Zoning Board shall set hearing dates for the proposed amendment and shall cause a notice of the time and place of such public hearings to be published in a newspaper of general circulation in the Village not less than fifteen (15) days nor more than thirty (30) days before the date of hearing. Such notice shall set forth in full the proposed changes in this Chapter.

**21-15-4: HEARING BY ZONING BOARD ON AMENDMENT:**

(A) Public hearings on the proposed amendment shall be conducted by the Zoning Board on the dates set in accordance with the general rules for meetings provided in this Chapter, and such hearings may be continued from time to time as required.

(B) After the conclusion of the last hearing required herein, the Zoning board shall make a report of their findings to the Village Board, and in said report shall indicate their approval or disapproval of the proposed amendment. Every report shall contain a finding of fact specifying the reason for the Zoning Board's recommendation of approval or disapproval.

**21-15-5: VOTE OF THE VILLAGE BOARD:**

(A) Upon the report of the Zoning Board after the public hearings, the Village Board may, by ordinance, adopt the proposed amendment by majority vote, regardless of the recommendation of the Zoning Board, except in those cases where a written protest against the proposed amendment is filed with the Village Clerk, signed and acknowledged by:

1. The owners of twenty percent (20%) of the frontage proposed to be altered; or
2. The owners of twenty percent (20%) of the frontage immediately adjoining or across an alley from the frontage proposed to be altered; or
3. The owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered.

(B) In these cases, a three-fourths (3/4) vote of all members of the Village Board shall be required for adoption of the proposed amendment.

(C) A written protest pursuant to this Section shall be filed in the office of the Village Clerk at least five (5) days before the Village Board meeting next following the Zoning Board hearing.



## ARTICLE XVI. VIOLATIONS AND PENALTIES

**21-16-1: PENALTY:** Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Code shall be fined in accordance with the general penalty provisions of this Code for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

**21-6-2: CIVIL REMEDIES:** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Code, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use; to restrain; correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

## CHAPTER 22: ETHICS ACT

### SECTION:

#### 22-1: State Officials and Employees Ethics Act

#### **22-1: STATE OFFICIALS AND EMPLOYEES ETHICS ACT:**

(A) The regulations of Section 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 is prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.

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

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

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

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

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinance 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 of 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 rehearing's. 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 Section shall remain in full force and effect; however, the part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by Corporate Authorities of the Village.

## **CHAPTER 23: INVESTMENT POLICY FOR THE VILLAGE OF HOPEDALE, ILLINOIS**

### **SECTION:**

- 23-1: Policy
- 23-2: Scope
- 23-3: Prudence
- 23-4: Objective
- 23-5: Delegation of Authority
- 23-6: Ethics and Conflicts of Interest
- 23-7: Authorized Financial Dealers and Institutions
- 23-8: Authorized and Suitable Investments
- 23-9: Collateralization
- 23-10: Safekeeping and Custody
- 23-11: Diversification
- 23-12: Maximum Maturities
- 23-13: Internal Control
- 23-14: Performance Standards
- 23-15: Reporting
- 23-16: Marking to Market
- 23-17: Investment Policy Adoption

**23-1: 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.

**23-2: SCOPE:** This policy includes all funds governed by the Board of Trustees.

**23-3: PRUDENCE:** Investments shall be made with judgment and care, under circumstances then prevailing, which persons or 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 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.

**23-4: OBJECTIVE:** The primary objective, in order of priority, shall be:

-Legality	conformance with federal, state and other legal requirements
-Safety	preservation of capital protection of investment principal
-Liquidity	maintenance of sufficient liquidity to meet operating requirements
-Yield	attainment of market rates of return

The portfolio should be reviewed periodically as to its effectiveness in meeting the entity's needs for safety, liquidity, rate of return, diversification and its general performance.

**23-5: DELEGATION OF AUTHORITY:** Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who, under the delegation of the Board of Trustees, shall establish written procedures for the operation of the investment program.

**23-6: 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.

**23-7: 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 credit worthiness.

**23-8: 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.

**23-9: COLLATERIZATION:** Funds on deposit (checking accounts, certificates of deposit, etc.) in excess of FDIC limits must be secured by some form of collateral, witnessed by a written agreement, and held at an independent third-party institution in the name of the municipality.

**23-10: SAFEKEEPING AND CUSTODY:** All security transaction, including collateral for repurchase agreements, entered into by the Village, shall be conducted by 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.

**23-11: DIVERSIFICATION:** The entity 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.

**23-12: 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 three (3) years from the date of purchase.

Reserve funds may be invested in securities exceeding three (3) years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of the funds.

**23-13: INTERNAL CONTROL:** The treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the entity 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:

- Multiple signatures for checks, transfers, and draws on accounts
- Control of collusion
- Separation of transaction authority from accounting
- Custodial safekeeping
- Written confirmation of telephone transactions for investments and wire transfers.
- ACH

All employees and officers of the Village with access to Village investments will be bonded to a minimum of \$20,000 per person or as required by law, whichever is greater.

**23-14: PERFORMANCE STANDARDS:** This 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.

**23-15: REPORTING:** The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Board of Trustees 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 Board.

**23-16: MARKING TO MARKET:** A statement of the market value of the portfolio shall be issued to the Board of Trustees quarterly.

**23-17: INVESTMENT POLICY ADOPTION:** The investment policy shall be adopted by the Board of Trustees. The policy shall be reviewed on an annual basis by the Treasurer and any modifications made thereto must be approved by the Board of Trustees.

## CHAPTER 24: A MUNICIPAL UTILITY TAX ON ELECTRICITY

### SECTION:

- 24-1: Tax Imposed
- 24-2: Exceptions
- 24-3: Additional Taxes
- 24-4: Collection
- 24-5: Reports to Municipality
- 24-6: Credit for Overpayment
- 24-7: Penalty
- 24-8: Repealer

### **24-1: TAX IMPOSED:**

(A) A tax is imposed on all persons engaged in the following occupations or privileges.

The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser.

- (i) for the first 2,000 kilowatt-hours used or consumed in a month, .423 cents per kilowatt-hour;
- (ii) for the next 48,000 kilowatt-hours used or consumed in a month, .277 cents per kilowatt-hour;
- (iii) for the next 50,000 kilowatt-hours used or consumed in a month, .249 cents per kilowatt-hour;
- (iv) for the next 400,000 kilowatt-hours used or consumer in a month, .242 cents per kilowatt-hour;
- (v) for the next 500,000 kilowatt-hours used or consumed in a month, .236 cents per kilowatt-hour;
- (vi) for the next 2,000,000 kilowatt-hours used or consumed in a month, .222 cents per kilowatt-hour;

(vii) for the next 2,000,000 kilowatt-hours used or consumed in a month, .218 cents per kilowatt-hour;

(viii) for the next 5,000,000 kilowatt-hours used or consumed in a month, .215 cents per kilowatt-hour;

(ix) for the next 10,000,000 kilowatt-hours used or consumed in a month, .211 cents per kilowatt-hour;

(x) for all electricity used or consumed in excess of 20,000,000 kilowatt-hours used or consumed in a month, .208 cents per kilowatt-hour.

The tax rates set forth in the preceding table will be used at least through December 31, 2008, are proportional to the rates enumerated in 65 ILCS Section 5/8-11-2 (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS Section 5/8-11-2 (as modified by Public Act 90-561).

(B) Pursuant to 65 ILCS Section 5/8-11-2, the rates set forth in subsection (a) above shall be effective: (A) on August 1, 1999, for residential customers; and (B) on the earlier of (1) of the last bill issued prior to December 31, 2000, or (2) the date of the first bill issued pursuant to 220 ILCS Section 5/16-104, for nonresidential customers.

(C) The provisions of Section 1 shall not be effective until August 1, 1999.

**24-2: EXCEPTIONS:** None of the taxes authorized by this Ordinance may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political sub-division thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Ordinance for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Ordinance be imposed upon any person engaged in a business or 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.

**24-3: ADDITIONAL TAXES:** Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

**24-4: COLLECTION:** The tax authorized by this Ordinance 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 Ordinance 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 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 supply 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 paragraph (c) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this Ordinance.

**24-5: REPORTS TO MUNICIPALITY:** On or before the last day of each month, each taxpayer shall make a return to the Village 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 of Hopedale, 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.

**24-6: 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 therefore 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.

**24-7: PENALTY:** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provisions of this Article, is guilty of a misdemeanor and, upon conviction thereof, shall be fined no less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) in addition, shall be liable in a civil action for the amount of tax due. (See 65 ILCS 5/87-11-2)

**24-8: REPEALER:** The Village of Hopedale Utility Tax Ordinances No. 87-8 and 94-3 are hereby repealed with respect to electricity only, for residential customers effective August 1, 1999, and the earlier of (1) the last bill issued prior to December 31, 2000, or (2) the date of the first bill issued pursuant to 220 ILCS 5/16-104, for non-residential customers.

## CHAPTER 25: BUILDING REGULATIONS IN FLOOD HAZARD AREAS

### SECTION:

- 25-1: Purpose
- 25-2: Additional Requirements
- 25-3: Definitions
- 25-4: Flood Hazard Boundary Map
- 25-5: Permit Required
- 25-6: Application
- 25-7: Base Flood Elevation
- 25-8: New Construction and Substantial Improvement Standards
- 25-9: Mobile Home Standards
- 25-10: Utility Standards
- 25-11: Subdivision and Other Development Standards
- 25-12: Watercourse Standards
- 25-13: Reports and Records
- 25-14: Variance
- 25-15: Disclaimer of Liability
- 25-16: Penalties for Violation
- 25-17: Separability

**25-1: PURPOSE:** The purpose of this Chapter is to avoid the hazards to persons and damage to property resulting from flooding and to comply with the Rules and Regulations of the National Flood Insurance Program as promulgated by the United States Department of Housing and Urban Development, Federal Insurance Administration as provided in the Rules and Regulations of the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, as amended, and which are hereby adopted by reference, and filed in the office of the Village Clerk, pursuant to Illinois Law and Illinois Revised Statutes, chapter 24, section 11-20-2.

**25-2: ADDITIONAL REQUIREMENTS:** The provisions of this Chapter shall be deemed as additional requirements to minimum standards required by other ordinances of the Village. In case of conflicting requirements, the most restrictive shall apply.

### **25-3: DEFINITIONS:**

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to buildings or other structure, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood.

**BASE FLOOD ELEVATION:** The elevation in relation to mean sea level of the crest of the base flood.

**STRUCTURE:** A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a mobile home and a prefabricated building.

**MOBILE HOME:** A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter it does not include recreational vehicles or travel trailers.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. 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 or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.

**25-4: FLOOD INSURANCE RATE MA:** The Flood Insurance Rate Map No. 170791B dated July 18, 1995, and amendments thereto, delineating A Zones as areas that are susceptible to the base flood as prepared by the Federal Emergency Management Agency, is hereby adopted for the purpose of this Chapter and filed as a record in the office of the Village Clerk.

**25-5: PERMIT REQUIRED:** No person shall commence any construction, substantial improvement, subdivision of land, placement of mobile homes or other development in areas located in an A Zone without first obtaining a permit from the Zoning Officer. The Zoning Officer shall not issue such permit for any construction, substantial improvement or other development that does not comply with the provisions of this Chapter or that has been denied a permit required by the Federal or State law including Section 404 of the Federal Water Pollution Control Act, 1972, 33 U.S.C. 1334.

#### **25-6: APPLICATION:**

(A) Within areas designated as A Zones, each application for development shall be accompanied by elevations, in relation to mean sea level, of the lowest habitable flood, including basement, and in the

case of flood proofed structures, the elevation to which it will be flood proofed.

(B) The Zoning Officer shall require certification from a registered professional engineer or architect that flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and unlift forces, and other factors associated with the base flood.

(C) The application shall also contain information or certification as reasonably may be required by the Zoning Officer in order to determine eligibility for permits or to enforce the terms of this Chapter.

**25-7: BASE FLOOD ELEVATION:** The President and Board of Trustees shall obtain, review and reasonably utilize base flood elevation data available from Federal, State or other sources until such time as such data has been received from the Federal Insurance Administration. Base flood data received from the Federal Insurance Administration shall take precedence over data from other sources.

**25-8: NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT STANDARDS:** All new construction and substantial improvements to structures located in an A Zone shall:

(A) For residential structures, have the lowest floor, including basement, elevated to one foot (1') above the base flood elevation.

(B) For nonresidential structures, have the lowest floor, including basement, elevated or flood proofed to one foot (1') above the base flood elevation.

(C) Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

(D) Be constructed with materials and utility equipment resistant to flood damage.

(E) Be constructed by methods and practices that minimize flood damage to other properties.

(F) Have all structural components below the base flood elevation designed to be watertight with walls substantially impermeable to the passage of water and such structural components shall be designed to resist hydrostatic and hydrodynamic loads and the effect of buoyancy.

**25-9: MOBILE HOME STANDARDS:**

(A) All mobile home parks and mobile home subdivisions located in an A Zone shall file evacuation plans indicating vehicular access and escape routes, including mobile home hauler routes, with the appropriate disaster preparedness authorities.

(B) All mobile homes to be placed on a site located in an A Zone shall:

1. Have the lowest floor elevated one foot (1') above the base flood elevation.
2. In the instance of elevation on pilings, have all piling foundations placed in stable soil no more than ten feet (10') apart, and reinforcement shall be provided for piers more than six feet (6') above ground.
3. Have lots large enough to permit steps to the mobile home, and have adequate surface drainage on all sides of the structure.
4. Be placed to prevent flotation, collapse or lateral movement of the structure due to flooding.
5. Be anchored according to the following specifications:
  - a. Over-the-top ties shall be provided at least of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty feet (50') long shall require one additional tie per side;
  - b. Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points and mobile homes less than fifty feet (50') long shall require four (4) additional ties per side.
  - c. All components of the anchoring system shall be capable of carrying four thousand eight hundred (4,800) pounds; and
  - d. Any additions to the mobile home shall be similarly anchored.

**25-10: UTILITY STANDARDS:** All new construction and substantial improvements to utilities located in an A Zone shall provide that:

- (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- (B) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters.
- (C) All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**25-11: SUBDIVISION AND OTHER DEVELOPMENT STANDARDS:** All subdivisions and other development located in an A Zone shall provide that:

- (A) All subdivision and other development proposals shall be designed to minimize flood damage to the proposed subdivision or development site as well as to other properties.

(B) All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located, elevated and constructed to minimize or eliminate flood damage.

(C) Adequate drainage shall be provided so as to reduce exposure to flood hazards.

(D) For any proposed subdivision or new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, the applicant shall show the base flood elevation data of each lot or platted parcel. Provided, that if the base flood elevation data is not available, the applicant shall compute and provide this information for each lot or platted parcel greater than fifty (50) lots or five (5) acres whichever is lesser.

**25-12: WATERCOURSE STANDARDS:** The Village Clerk shall notify adjacent communities and the Illinois Department of Transportation, Division of Water Resources and the Federal Insurance Administration prior to any alteration or relocation of a watercourse. The flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

**25-13: REPORTS AND RECORDS:**

(A) The Village Clerk shall provide the President and Board of Trustees, the Illinois Department of Transportation, Division of Water Resources and the Federal Insurance Administration with an annual report on forms as provided the Village by the Federal Insurance Administration.

(B) The Village Clerk shall maintain the records of first floor elevations, flood proofing certification, all variance documents required by section 1910.6 (a) (5) and (6) of the Rules and Regulations of the National Flood Insurance Program, permit applications, and all other records required by the Federal Insurance Administration.

**25-14: VARIANCES:** Upon application and after fifteen (15) days notice of a public hearing, the President and Board of Trustees may grant a variance of this Chapter subject to compliance with the provisions of section 1910.6 (a) of the Rules and Regulations of the National Flood Insurance Program and such other conditions as the President and Board of Trustees deems necessary to comply with the intent of this Chapter.

**25-15: DISCLAIMER OR LIABILITY:** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes. This Chapter does not imply that development either inside or outside of areas designated as an A Zone will be free from flooding or damage. This Chapter does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made lawfully thereunder.

**25-16: PENALTIES FOR VIOLATION:** Any person who violates this Chapter shall, upon conviction thereof, be fined in accordance with the general penalty provisions of this Code and in

addition shall pay all costs and expenses involved in litigation. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**25-17: SEPARABILITY:** The provisions and sections of this Chapter shall be deemed separable, and the invalidity of any portion of this Chapter shall not affect the validity of the remainder.



## CHAPTER 26: TAXPAYER BILL OF RIGHTS

### SECTION:

- 26-1: Scope
- 26-2: Definitions
- 26-3: Notices
- 26-4: Late Payment
- 26-5: Payment
- 26-6: Certain Credits and Refunds
- 26-7: Audit Procedure
- 26-8: Appeal
- 26-9: Hearing
- 26-10: Interest and Penalties
- 26-11: Abatement
- 26-12: Installment Contracts
- 26-13: Statute of Limitations
- 26-14: Voluntary Disclosure
- 26-15: Publication of Tax Ordinances
- 26-16: Review Procedure
- 26-17: Application
- 26-18: Severability

**26-1: SCOPE:** The provisions of this ordinance shall apply to the Village's procedures in connection with all of the Village's locally imposed and administered taxes.

**26-2: DEFINITIONS:** Certain words or terms herein shall have the meaning ascribed to them as follows:

“ACT” means the "Local Government Taxpayers' Bill of Rights Act."

“CORPORATE AUTHRITIES” means the Village's President and Board of Trustees.

“LOCALLY, IMPOSED AND ADMINISTERED TAX” OR “TAX” means each tax imposed by the Village that is collected or administered by the Village and not by 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.

“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 ordinance to give full effect to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the Act.

“VILLAGE” means the Village of Hopedale, Illinois.

“NOTICE” each audit notice, collection notice or other similar notice or communication in connection with each of the Village’s locally imposed and administered taxes.

“TAX ORDINANCE” means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

“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.

**26-3: 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.

**26-4: 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.

**26-5: PAYMENT:** Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period.

#### **26-6: 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 voluntarily if 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) 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:

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

(i) the name of the locally imposed and administered tax subject to the claim;

(ii) the tax period for the locally imposed and administered tax subject to the claim;

(iii) the date of the tax payment subject to the claim and the canceled check or receipt for the payment;

(iv) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

(v) 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.

(B) 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:

(i) grant the claim; or

(ii) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(C) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of five percent (5%) per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

**26-7: AUDIT PROCEDURE:** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this ordinance.

(A) Each notice of audit shall contain the following information;

(i) the tax;

(ii) the time period of the audit; and

(iii) 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 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.

## **26-8: APPEAL:**

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a pro-testable 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:

- (i) the reason for the assessment;
- (ii) the amount of the tax liability proposed;
- (iii) the procedure for appealing the assessment; and
- (iv) 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 day period.

## **26-9: HEARING:**

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under section nine, 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.

**26-10: 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 nine percent (9%) per annum, based on a year of 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.

**26-11: 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.

**26-12: 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.

**26-13: 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 4 years 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 4-year period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than 75% of the tax due, the statute of limitations shall be six (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.

**26-14: 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.

**26-15: 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.

**26-16: 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:

- (i) timely remove the lien at the Village's expense;
- (ii) correct the taxpayer's credit record; and

(iii) correct any public disclosure of the improperly imposed lien.

**26-17: 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.

**26-18: SEVERABILITY:** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.



## CHAPTER 27: SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

### SECTION:

- 27-1: Definitions
- 27-2: Simplified Municipal Telecommunications Tax Imposed
- 27-3: Collection of Tax by Retailers
- 27-4: Returns to Department
- 27-5: Resellers
- 27-6: Severability

**27-1: DEFINITIONS:** As used in this Chapter, 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” mean the Illinois Department of Revenue.

(C) “GROSS CHARGE” means the amount paid for the act or privilege of originating or receiving telecommunications in such 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:(i) the tax imposed by this Ordinance, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) 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 of such municipality;
3. Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;
4. Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are desegregated 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 telecommunication 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 this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(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 permittee 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 ordinance, "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 nontaxable 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' Occupations Tax Act.

**27-4: SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED:** A tax is hereby imposed upon any and all the following acts or privileges:

(A) The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of 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 municipality or receiving in the municipality 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 subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in this State.

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

#### **27-5: COLLECTION OF TAX BY RETAILERS:**

(A) The tax authorized by this Ordinance 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 Ordinance 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 Ordinance 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 Ordinance shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

**27-6: RETURNS TO DEPARTMENT:** Commencing on February 1, 2003, the tax imposed under this Ordinance 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.

#### **27-7: 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 telecommunication tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(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.

**27-8: SEVERABILITY:** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

## CHAPTER 28: PENALTY

### SECTION:

- 28-1: Penalty
- 28-2: License
- 28-3: Application
- 28-4: Over the Counter Settlement of Ordinance Violations

**28-1: PENALTY:** Any person convicted of a violation of any ordinance of the Village for which another penalty is not provided for shall be fined in a sum not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).

**28-2: LICENSE:** When a person is convicted of a violation of any section of this Village Code, any license previously issued to him by the Village may be revoked by the court or by the Board of Trustees.

**28-3: APPLICATION:** 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 is forbidden or is 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 the Village Code.

**28-4: OVER THE COUNTER SETTLEMENT OF ORDINANCE VIOLATIONS:** In lieu of the provisions of Section 28-1, persons who have received a citation for a violation of the provisions of the Village Code hereinafter listed may settle an Ordinance violation charge by paying the amount set forth in this Section within fifteen (15) days of the date the citation was issued. Violation of the following Sections of the Village Code may be settled by payment of the following fines:

SECTION	FINE		
	1st Offense	2nd Offense	3rd Offense
13-27 Sale/Possession of Alcohol by Minor	\$100.00	\$200.00	\$300.00
16-1-4 Barking Dog	\$25.00	\$50.00	\$100.00
16-1-6 Dog Bite	\$25.00	\$50.00	\$100.00
16-1-3 Dog Running at Large	\$25.00	\$50.00	\$100.00
17-2 Inoperable Motor Vehicle	\$75.00	\$150.00	\$300.00
18-1-2 Curfew	\$50.00	\$100.00	\$200.00
18-3-1 Fireworks	\$50.00	\$75.00	\$100.00

18-5-2 Tall Grass/Weeds	\$50.00	\$100.00	\$200.00
8-6-1 Garbage/Debris	\$50.00	\$100.00	\$200.00
18-6-2 Maintenance of Private Property as Nuisance	\$50.00	\$100.00	\$200.00
8-6-3 Ashes/Refuse	\$50.00	\$100.00	\$200.00
19-2 Disorderly Conduct	\$50.00	\$100.00	\$200.00
19-3 Public Intoxication	\$50.00	\$100.00	\$200.00
19-7 Illegal Fire	\$50.00	\$100.00	\$200.00
19-15 Possession of Cannabis	\$200.00	\$300.00	\$400.00
19-16-3 Possession of Drug Paraphernalia	\$200.00	\$300.00	\$400.00
Any other Section of the Village Code That are hereinafter enacted unless otherwise specified	\$50.00	\$150.00	\$300.00

*(Ordinance 5-1-17, 2017)*



## CHAPTER 29: WIND ENERGY

### SECTION:

29-1: Wind Energy Conversion System

29-2: Requirements

**29-1: WIND ENERGY CONVERSION SYSTEM:** A machine that converts the kinetic energy in the wind into a usable form (commonly known as a “wind turbine” or “windmill”). It may only be located on a parcel of ground of ten acres or more. An application shall be filed by any person, firm, corporation or legal authority requesting one.

**29-2: REQUIREMENTS:** Wind energy conversion system (WECS), shall be subject to the following:

(A) All WECS shall require a special use permit.

(B) In addition to the information required for any special use permit, the application shall include the following:

1. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
2. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.
3. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
4. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the applicant’s intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.
5. A visual analysis of the WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system’s components and any visual screening incorporated into the project that is intended to lessen the system’s visual prominence.

(C) All WECS shall adhere to the following standards:

1. No habitable structure or outdoor area where people congregate should be within a fall zone of 1.1 times the height of any tower used in the WECS.
2. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
3. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails).
4. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
5. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the Village Board if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
6. The system shall be operated such that no disruptive electromagnetic interference is caused nor can there be any interference to radio reception or television reception on any property. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system within ninety days of notification.
7. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
8. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
  - a. Tower-climbing apparatus located no closer than 12 feet from the ground.
  - b. A locked anti-climb device installed on the tower.
  - c. A locked, protective fence at least eight feet in height that encloses the tower.
9. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or

distribution lines. The point of attachment for the guy wires shall be enclosed by a fence eight feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

10. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation, and before the WECS is put into operation.

11. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

12. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building code and National Electric Code.

13. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

14. Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations and the applicant shall certify that applicant's facility is in compliance with the same.

15. The general height limitations for a zoning district shall not apply to WECS'.

(D) When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within 120 days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal. The owner shall mean the owner of the property upon which the WECS is located.

(E) All WECS shall be maintained in good and operable condition. A WECS that is not functional shall be repaired by the owner or removed. In the event that the Village becomes aware of any system that is not operated for a continuous period of 3 months, the Village will notify the landowner by registered mail and provide 45 days for a written response. The written response shall include reasons for the operational difficulty, the corrective actions to be performed, and a reasonable timetable for completing the corrective actions. If the Village deems the corrective actions and/or the timetable for completing corrective actions as unfeasible and/or unreasonable, the Village shall notify the landowner and such landowner shall remove the turbine within 120 days of receiving said notice.

(F) All WECS shall meet all applicable state and federal safety standards and, where applicable, all federal aviation requirements.

(G) The Village shall require a certification, by a professional engineer qualified to give such certification, certifying that the WECS complies with all provisions of this ordinance and all applicable state and federal laws. The applicant shall also reimburse the Village for all costs incurred by the Village's professional engineer in his or her review of the certification provided by the applicant.

(H) In addition to general conditions that apply to any special use request, the following shall also be applied and considered:

1. The height of the system relative to the size of the parcel on which the system is proposed to be located;
2. The need for the proposed height of the system in order to allow the system to operate effectively;
3. The visual impacts of the system on adjacent properties and the general area in which the system is proposed to be located;
4. The building density of the general area in which the system is proposed to be located;
5. Whether a substantial adverse effect on public safety will result from the height of the system or some other aspect of the system's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
6. The existing uses on adjacent and nearby properties.

(I) In the event there is any damage to any street, roadway or public highway during the construction of any facility, the applicant shall be responsible for the cost of repair of same.

*(Ord. 1-19-09A, 1-19-08; Ord. 02010, 2-2-10)*

## **CHAPTER 30: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR ANY OTHER METHOD**

### **Section:**

- 30-1: Use of Groundwater as a Potable Water Supply Prohibited
- 30-2: Penalties
- 30-3: Definitions
- 30-4: Repealer
- 30-5: Severability
- 30-6: Effective Date

### **30.1: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED:**

(Except for such uses or methods in existence before the effective date of this ordinance.) The use or attempt to use as a potable water supply groundwater from within the boundaries of the real estate ("Real Estate") within the Village of Hopedale, and legally described hereafter, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited:

Beginning at the Southeast corner of the intersection of Tremont Street and Illinois Route 122; thence Northerly in a straight line 63 feet; thence Easterly in a straight line 465 feet; thence Southerly in a straight line 64 feet to the Southwest corner of the intersection of Illinois Route 122 and 5<sup>th</sup> Street; thence Southwesterly in a straight line 399 feet to the Southwest corner of the intersection of 5<sup>th</sup> Street and the 16 foot alley immediately adjacent to the Casey's General Store property; thence Northwesterly in a straight line 265.5 feet to the intersection of the alley and Tremont Street; thence Northerly to the Point of Beginning.

SITUATED IN THE VILLAGE OF HOPEDALE, TAZEWELL COUNTY, ILLINOIS.

The prohibition expressly includes the Village of Hopedale within the legally described area. A general diagram of the real estate is attached hereto.

**30-2: PENALTIES:** Any person violating the provisions of this ordinance shall be subject to a fine of up to Seven Hundred Fifty Dollars (\$750.00) for each violation.

### **30-3: DEFINITIONS:**

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

PORTABLE WATER: Any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes, or preparing foods.

**30-4: REPEALER:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

**30-5: SEVERABILITY:** If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

**30-6: EFFECTIVE DATE:** This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

*(Ord. No. 5-3-10, passed 5-3-10)*

## **CHAPTER 31: EMPLOYEE POLICIES AND BENEFITS**

### **SECTION:**

- 31-1: Salaries/Terms of Employment
- 31-2: Hours of Employment, Overtime, Holidays, and Holiday Pay
- 31-3: Compensation Time
- 31-4: Vacations
- 31-5: Personal Days
- 31-6: Sick Days
- 31-7: Funeral Leave
- 31-8: Employee Evaluations
- 31-9: At Will
- 31-10: Use of Village Equipment
- 31-11: Work Breaks
- 31-12: Additional Employment
- 31-13: Jury Duty
- 31-14: Education or Training
- 31-15: Insurance
- 31-16: Applicants for Employment
- 31-17: Employment Length from Date of Absence
- 31-18: Drug and Alcohol Abuse Policy
- 31-19: Unpaid Leave

### **31-1: SALARIES/TERMS OF EMPLOYMENT:**

(A) The President and Board of Trustees shall, from time to time, adopt a Base Salary Schedule. Said Base Salary Schedule shall remain in full force and effect until modified by subsequent action by the Board of Trustees.

(B) The salaries of all elected municipal officials and other employees that are set by ordinance shall not be a part of the Base Salary Schedule.

(C) A full-time employee shall be a person who works more than 1400 hours per year.

(D) The terms of an employee's employment and duties shall be determined by the President and Board of Trustees.

### **31-2: HOURS OF EMPLOYMENT, OVERTIME, HOLIDAYS AND HOLIDAY PAY:**

(A) Employees shall work the number of hours required to perform their duties as determined by the Board.

(B) If an employee other than supervisory personnel shall be required to work more than forty (40) hours per week, the employee shall receive one and one-half (1 1/2) times his hourly salary for each hour worked in excess of forty (40) hours per week.

(C) Paid Holidays. The following are designated as official holidays for which full-time employees will be paid without performing their customary and usual duties:

New Year's Day  
Memorial Day  
Independence Day (July 4th)  
Labor Day  
Thanksgiving Day  
Christmas Day

If any one of these holidays falls on a regular work day for a particular full-time employee, that individual shall have the day off with pay. If any one of these holidays falls on a day which is not a regular work day for a particular full-time employee, that person will have the closest regular work day off with pay. An individual must work the last scheduled work day preceding and the first scheduled work day following any holiday in order to be paid for the holiday, except in special circumstances when approval to the contrary is authorized.

If a full-time employee is required to work on any one of these holidays because of an emergency situation, that person will be paid for the holiday plus the hours actually worked.

If the services of a given department are required on all the holidays listed above, any full-time employee who is regularly scheduled to work on a particular holiday will work on that holiday and be paid for the holiday as well as the hours actually worked. Other full-time employees in that department will work their regular weekly shifts and be paid for the holiday in addition to their regular days worked.

Any individuals who are employed to perform a primary Village service in less than 40 hours per week, but are paid on a fixed rate per week or month, shall receive an additional payment as holiday compensation for any week during which each of the above-listed holidays falls. If they are paid on a weekly basis, each holiday compensation will be one-fifth of their weekly salary. If they are paid on a monthly basis, each holiday compensation will be one-twenty-second of their monthly salary.

**31-3: COMPENSATION TIME:** Full time members of the police department may take compensation time in lieu of overtime pay subject to the following:

(A) Maximum amount that can be used is 40 hours.

(B) Once an amount is accrued, the time must be taken within ninety (90) days or it will be forfeited.

(C) The taking of compensation time shall be subject to the approval of the President.



**31-4: VACATIONS:** Each full-time employee shall be eligible for vacation with pay according to the following schedule:

<u>Period of continuous Full-Time Employment</u>	<u>Vacation</u>
Upon completion of one year.....	One Week
Upon completion of two through five years .....	Two Weeks
Upon completion of six and succeeding years .....	Three Weeks

Vacation will be accrued at the anniversary date of each full-time employee. If a person's employment is terminated for any reason, the amount of vacation accrued for any fractional year following one full year will be prorated.

Vacation will be accrued based on an individual's basic full-time employment only. Additional employment by the Village as a part-time employee in a second function or extra time work in the basic assignment will not be counted for the accrual of vacation.

If an individual who is employed on a 40-hour week basis is on vacation when a designated holiday occurs, the number of vacation days recorded as used will exclude the designated holiday.

Vacation is to be scheduled in advance of the days actually taken and will be cleared with the appropriate supervisor.

Accrued vacation days must be used at the end of each calendar year during which an employee is eligible to take them. If they are not taken they are lost, unless the reason they are not taken is the termination of employment.

If an individual is defined as a full-time employee of the Village but his/her work week is less than 40 hours, then a week's vacation will be defined as the number of days which that individual regularly works during a week.

Days taken for vacation shall be reported to the Village Clerk's office on the next payroll report.

Upon termination of employment, accrual of vacation shall end with the last work week even though that person stays on the payroll beyond that time because of drawing vacation pay.

A full-time employee shall not accrue vacation during any of the following periods: disability covered by workmen's compensation, illness in excess of accumulated days, or personal days without pay in excess of three days per year.

**31-5: PERSONAL DAYS:** With approval of the immediate supervisor, a full-time employee may take personal days, with pay. Each employee is entitled to take 3 personal days per calendar year, subject to approval of the immediate supervisor.

**31-6: SICK DAYS:** Sick days shall accrue for each full-time employee at the rate of one-half day per month of employment and accumulate to a maximum of 60 days. If an individual works for a partial month, less than one-half month shall accrue no fraction of a day and one-half or more of the month shall accrue the full month's allowance.

Sick days may be used without loss of pay by a full-time employee for personal illness.

Partial days off from work for use of sick days with pay will be converted to quarters of a day used as follows:

- Up to 2 hours = one-quarter day;
- Over 2 up to 4 hours – one-half day;
- Over 4 up to 6 hours – three-quarters day; and
- Over 6 hours = 1 full day

All sick days used shall be reported to the Village Clerk's office on the next payroll report.

Sick days shall not accrue to a full-time employee during any of the following periods: disability covered by workmen's compensation, illness in excess of accumulated days, material leave in excess of accumulated sick days, personal days without pay in excess of three days, or during vacation.

There shall be no payment for accumulated but unused sick days upon termination of employment.

The provisions regarding the new accrual rate and maximum accumulation amount shall take effect on January 1, 2012.

**31-7: FUNERAL LEAVE:** Up to three days with pay will be granted to a full-time Village employee at the death of certain members of his/her immediate family: spouse, child, and parent. Up to two days of leave with pay will be granted a full-time employee at the death of other members of his/her immediate and/or extended family: brother, sister, grandparent, or some other person who actually lived in the family household of the employee. Two days of leave with pay will be granted a full-time employee at the death of his/her spouse's parent, child, brother, sister or grandparent.

If more than the number of days listed above are needed for the funeral and other arrangements by any full-time employee for which that individual has a family-type relationship, accumulated time may be utilized.

All funeral leave days used shall be reported to the Village Clerk's Office on the next payroll report.

**31-8: EMPLOYEE EVALUATIONS:** A performance evaluation will be made periodically for each full-time employee. Such evaluation will be made at least annually so that continuation of employment and the appropriate rate of pay can be determined at the beginning of each Village fiscal year.

**31-9: AT WILL:** The President and Board of Trustees may at any time, with or without cause, terminate the employment of an employee.

**31-10:USE OF VILLAGE EQUIPMENT:** Full-time Village employees shall not use, or permit the use of, any Village facilities, equipment or materials for any activities other than for Village services. Village facilities shall not be used for storage of personal property.

**31-11:WORK BREAKS:** Each full-time employee will be allowed a 30 minute or longer period for a meal during each eight-hour work shift, which shall be taken not less than three hours nor more than five hours from the beginning of that daily shift. Such meal break shall not be counted as work and/or pay time by any employee except for a police person while on duty.

Each full-time employee will be allowed two 15-minute refreshment breaks during each eight-hour work shift. Such refreshment breaks shall be counted as work and pay time.

**31-12:ADDITIONAL EMPLOYMENT:** Full-time Village employees may not carry on, concurrently with Village employment, any private business undertaking or employment which affects the time or quality of their work for the Village, or which casts discredit upon or creates embarrassment for the Village government.

**31-13:JURY DUTY:** If a Village full-time employee is called for jury selection and/or duty, that service shall result in the following arrangements between the Village and the employee:

- (A) The employee is to notify the Village Clerk's Office of the court call for each day,
- (B) The employee is to perform his/her regular Village duties and clock accordingly when not actually required to be at court plus time required for travel directly to and from court.
- (C) The employee is to provide the Village Clerk's office with a copy of any evidence regarding pay or non-pay received for court duty in order to be eligible for any compensation by the Village for time missed each day when he/she appeared for court duty, and
- (D) Upon receipt of such evidence of such pay/non-pay by the court, the Village Clerk's Office will pay the employee the difference between his/her regular pay for the time required for Court duty plus direct travel time and the Court payment.

**31-14:EDUCATION OR TRAINING:** Any full-time employee who desires to attend any educational or training program in order to improve his/her capabilities to perform his/her services to the Village and for which that employee desires work time for attendance and/or Village reimbursement of direct expenses upon successful completion of that program may request Village Board consideration. That employee is to present his/her request along with the information about the education or training program through his/her regular line of supervision for consideration. If the

designated elected official decides that it is desirable for the education or training request to be approved, he/she will present it to the Village Board for consideration.

**31-15:HEALTH INSURANCE:** The Village shall maintain an insurance program on such terms and conditions as the President and Board of Trustees may, from time to time, determine to be appropriate.

**31-16:APPLICANTS FOR EMPLOYMENT:** Equal employment opportunity shall be provided to each applicant and part-time employee without discrimination because of race, color, religion, national origin, sex, age, ancestry, marital status, or handicap unrelated to ability to perform a particular function.

(A) If a person has otherwise met all qualifications for employment, and he or she has been offered conditional employment, then he or she shall submit to a medical examination by a licensed physician designated by the Village. This applies to full time employees only. Final placement of a person shall be contingent on the results of the examination, which shall be administered in accordance with all applicable laws.

(B) Applicants, if requested by the Village, shall execute a release authorizing the Village to obtain the applicant's military, medical, employment, credit, school, or other records that would be pertinent to employment. Said release shall be in a form satisfactory to the Village, and shall release the Village from all liability with respect to obtaining such information.

**31-17:EMPLOYMENT LENGTH FROM DATE OF ABSENCE:** In the event an employee becomes unable to work, for any reason whatsoever, it shall be the policy of the Village of Hopedale to require that the employee be able to return to work three (3) months from the date of the time he or she first was unable to work, and that unless the employee can fully resume his or her duties, with no limitations, or the Village can otherwise accommodate any disability that might require to be accommodated under the American With Disabilities Act, the employee shall be released from employment. The Village reserves the right, in appropriate circumstances, to terminate employment prior to the expiration of three (3) months.

**31-18:DRUG AND ALCOHOL ABUSE POLICY:**

(A) The purpose of this policy is as follows:

1. To comply with all applicable federal and state statutes, rules, and procedures;
2. To maintain the highest standards for employee safety and health;
3. To prevent accidents/injuries resulting from the misuse of drugs and/or alcohol.

(B) The administrator of the Drug and Alcohol Abuse Program shall be the Board of Trustees. Any issues that may arise shall be determined by the concurrence of four (4) members of the Board or three (3) members and the President.

(C) All full-time employees of the Village of Hopedale shall be covered by this policy.

(D) Definitions:

**ALCOHOL:** The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

**ILLEGAL DRUGS:** Any controlled substances or cannabis, as defined by federal or state law.

**PRESCRIPTION:** A lawful or written verbal order of a physician, dentist, podiatrist, or veterinarian for any controlled substance.

(E) The following conduct is prohibited:

1. The unlawful manufacture, distribution, dispensation, possession, or use of an illegal drug by an employee on all municipal premises, in any municipally-owned or leased motor vehicle, or other location at which an employee is to perform work.
2. No employee shall consume any illegal drug while on or off duty.
3. No employee shall report for work or drive a Village vehicle or operate Village equipment while impaired by any drug, controlled substance, or with a blood alcohol content of .02% or greater.
4. No employee shall consume any alcohol while on duty.

(F) In accordance with federal law and the policy of the Village of Hopedale, all employees covered by this policy shall be subject to drug and alcohol testing. All drug and alcohol testing shall be done in accordance with applicable law and shall be done by a duly qualified testing company. Copies of the procedures shall be kept on file with the Administrator and shall be available for inspection by any employee.

Employees shall be subject to testing at the Village expense for alcohol content or the presence of illegal drugs based on:

1. Reasonable cause: Any employee must submit to a drug and/or alcohol test if the Village has reasonable suspicion to believe that the employee has violated the drug and/or alcohol misuse prohibitions. The determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the

employee, and should be observed by a supervisor with appropriate training as required by law.

2. Post-accident: As soon as practicable, but within two (2) hours of any accident involving an employee while on duty, the employee will be tested for drug or alcohol use. (Whether an accident has occurred shall be solely determined by the Village.) An employee shall refrain from using drugs or alcohol during the two (2) hour period after the accident until he or she has been tested.

3. Return to duty: Any employee who has engaged in prohibited conduct and is eligible to return to work and has then become rehabilitated in accordance with the provisions of Paragraph H below, shall be tested prior to resumption of work.

6. Follow-up testing: Any employee who has been identified by a substance abuse professional pursuant to any program he or she entered into under the provisions of this policy shall be subject to such follow up testing as recommended by the substance abuse professional.

(G) The Administrator shall keep on file all forms that may be required by law pertaining to the administration of the program. Upon reasonable notice, any employee may obtain a copy of all applicable forms.

All employee records pertaining to any testing done shall be maintained in a secure location with controlled access. A copy of these records will be given to an employee upon written request of the employee. These records may also be released to the Secretary of Transportation, the National Transportation Safety Board, or any other legal authority that is authorized by law to obtain a copy of same.

(H) Employee Assistance Program (EAP): Employees may apply to the Administrator to enroll in a qualified drug or alcohol rehabilitation plan, subject to the following guidelines:

1. The Administrator shall determine if the plan is qualified.
2. Employees are not eligible for the program unless they have completed one (1) year of full-time employment.
3. Such rehabilitation program may be taken only once.
4. If an employee has consumed alcohol or taken any prohibited drugs while on duty, he shall not be eligible for any program.
5. If an employee does enroll in a program, he shall use all of his sick time, vacation time, and compensation time, in that order. Any additional time required by the program shall be

taken in a non-pay status. The total amount of time an employee is absent from work for such program shall not exceed thirty (30) days.

(I) The following disciplinary policies shall be in effect:

1. All of the following violations shall subject an employee to termination:
  - (a) Using, selling, or dispensing illegal drugs on or off duty;
  - (b) Refusal to take any tests;
  - (c) Refusing to cooperate in the assessment of the need for an assistance program, or refusing to enroll or failing to successfully complete any required assistance program;
  - (d) Consumption of alcohol on duty.
2. If an employee reports to work with a blood alcohol content of 0.02% or greater, but less than 0.04%, the following applies:
  - (a) First offense: One (1) to two (2) calendar day suspension without pay.
  - (b) Second offense: At the option of the employee, one (1) to two (2) day suspension without pay and enrollment in EAP, or Seven (7) calendar day suspension without pay.
  - (c) Third offense: Immediate removal from work and mandatory enrollment in EAP. Only upon successful completion of EAP shall employee be allowed to return to work.
3. If an employee reports to work with a blood alcohol content of 0.04% or more, then the employee shall enroll in the EAP and successfully complete it. The employee shall immediately be removed from work, and shall be allowed to return to work only upon successful completion of the EAP.
4. If an employee has already taken the EAP, then, if the employee subsequently violates any of the blood alcohol content rules, he or she shall be subject to termination of employment.
5. Notwithstanding the provisions of subsections 1, 2, and 3 of this Section I, if a violation causes personal injury to another party, the employee shall be subject to immediate termination.
6. In the event of any violation of any provision of this policy, the Administrator may require the employee to be assessed for enrollment in EAP, and if determined necessary, successfully complete the program in addition to any disciplinary action. The right of the Administrator herein shall apply notwithstanding the provisions of Section 1.12, I-2.

This policy may be amended from time to time at the discretion of the President and Board of Trustees of the Village of Hopedale. It shall also be deemed to automatically incorporate any provisions of federal or state law that might otherwise require more restrictive procedures.

**31-19:UNPAID LEAVE:** The dependable and punctual attendance of all full and part time employees of the Village of Hopedale on their assigned work days for their assigned work hours is essential to the success of the Village of Hopedale. Each full-time employee of the Village of Hopedale shall be allowed twenty-four (24) hours of unpaid time off of work in any calendar year. No employee may take more than twenty-four (24) hours of unpaid time off of work during any calendar year without the approval in advance of the Board of Trustees of the Village of Hopedale by roll call vote at an open public meeting. It shall be a violation of this Section for any employee to take more than twenty-four (24) hours of unpaid time off during that employee's scheduled work hours on that full-time employee's scheduled work days without advance approval by the Board of Trustees. (Ordinance 5-15-17A, 2017)



## CHAPTER 32: SMALL WIRELESS FACILITIES DEPLOYMENT

### SECTION:

- 32-1: Definitions
- 32-2: Regulation of Small Wireless Facilities
- 32-3: Dispute Resolution
- 32-4: Indemnification
- 32-5: Insurance

**32-1: DEFINITIONS:** Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

**ANTENNA:** Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

**APPLICABLE CODES:** Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

**APPLICANT:** Any person who submits an application and is a wireless provider.

**APPLICATION:** A request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

**COLLOCATE or COLLOCATION:** To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

**COMMUNICATIONS SERVICE:** Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

**COMMUNICATIONS SERVICE PROVIDER:** A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

**FCC:** The Federal Communications Commission of the United States.

**FEE:** A one-time charge.

**HISTORIC DISTRICT or HISTORIC LANDMARK:** A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

**LAW:** A federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

**MICRO WIRELESS FACILITY:** A small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

**MUNICIPAL UTILITY POLE:** A utility pole owned or operated by the Village in public rights-of-way.

**PERMIT:** A written authorization required by the Village to perform an action or initiate, continue, or complete a project.

**PERSON:** An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

**PUBLIC SAFETY AGENCY:** The functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

**RATE:** A recurring charge.

**RIGHT-OF-WAY:** The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.

**SMALL WIRELESS FACILITY:** A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more

than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**UTILITY POLE:** A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

**WIRELESS FACILITY:** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

**WIRELESS INFRASTRUCTURE PROVIDER:** Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

**WIRELESS PROVIDER:** A wireless infrastructure provider or a wireless services provider.

**WIRELESS SERVICES:** Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

**WIRELESS SERVICES PROVIDER:** A person who provides wireless services.

**WIRELESS SUPPORT STRUCTURE:** A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

**32-2: REGULATION OF SMALL WIRELESS FACILITIES:** Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

Permit Required. An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

(A) Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

1. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
2. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
3. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
4. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
5. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
6. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
7. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

(B) Application Process. The Village shall process applications as follows:

1. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
2. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails

to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

3. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

4. The Village shall deny an application which does not meet the requirements of this Ordinance.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application

within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

5. Pole Attachment Agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

(C) Completeness of Application. Within 30 days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

(D) Tolling. The time period for applications may be further tolled by:

1. An express written agreement by both the applicant and the Village; or
2. A local, State or federal disaster declaration or similar emergency that causes the delay.

(E) Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for

which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

(F) Duration of Permits. The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Ordinance.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

(G) Means of Submitting Applications. Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

#### **Collocation Requirements and Conditions:**

(A) Public Safety Space Reservation. The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.

(B) Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Ordinance. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

(C) No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense,

shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

(D) The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

(E) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

(F) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

(G) Alternate Placements. Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.



(H) Height Limitations. The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

1. 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
2. 45 feet above ground level.

(I) Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a [SPECIAL USE PERMIT, VARIANCE OR ADMINISTRATIVE WAIVER] in conformance with procedures, terms and conditions set forth in [INSERT APPROPRIATE SECTION(S) OF ZONING ORDINANCE].

(J) Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

(K) Ground-mounted Equipment Spacing. The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

(L) Undergrounding Regulations. The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

(M) Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider

has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

**Application Fees. Application fees are imposed as follows:**

(A) Applicant shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(B) Applicant shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

(C) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.

(D) The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

1. routine maintenance;
2. the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or
3. the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

(E) Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

**Exceptions to Applicability. Nothing in this Ordinance authorizes a person to collocate small wireless facilities on:**

(A) Property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

(B) Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

(C) Property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Ordinance shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Ordinance.

**Pre-Existing Agreements.** Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Ordinance.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Ordinance for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this paragraph.

**Annual Recurring Rate.** A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be \$200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of

intent to collocate, and on each annual anniversary date thereafter.

Abandonment. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

**32.3: DISPUTE RESOLUTION:** The Circuit Court of Tazewell County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

**32.4: INDEMNIFICATION:** A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Ordinance and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

**32.5: INSURANCE:** The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

(A) Property insurance for its property's replacement cost against all risks;

(B) Workers' compensation insurance, as required by law; or

(C) Commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements

of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.