

**VILLAGE OF ONARGA**  
**MUNICIPAL**  
**CODE**  
**2003**

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**A Codification of the General Ordinances  
of Onarga, Illinois**

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**Beginning with Supp. No. 4,  
Supplemented by Municipal Code Corporation**

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## PREFACE

The Onarga, Illinois Municipal Code was originally published by Matthew Bender & Company and has been kept current by regular supplementation.

Beginning with Supplement No. 4, Municipal Code Corporation will be keeping this code current by regular supplementation.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 4, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance No. 2012-7, passed July 30, 2012.**

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### SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
2010-3	7-5-10	Omit	6
2010-4	11-22-10	Include	6
2010-5	10-4-10	Omit	6
2010-6	11-8-10	Omit	6
2011-1	6-6-11	Omit	6
2011-2	7-5-11	Omit	6
2011-3	8-22-11	Omit	7
2011-4	12-5-11	Omit	7
2012-1	1-9-12	Include	7
2012-2	2-6-12	Omit	7
2012-3	3-5-12	Omit	7
2012-4	3-5-12	Omit	7
2012-5	5-21-12	Include	7
2012-6	7-9-12	Omit	7
2012-7	7-30-12	Omit	7





## HOW TO USE YOUR CODE

This code is organized to make the laws of the village as accessible as possible to village officials, village employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

### Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then chapter, and ending with section. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

### Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are **Reserved** for later use.

### Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06 can be added between Chapter 2.04 and Chapter 2.08.

### Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

### Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

### Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 4, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

### Statutory References.

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

### **Cross-Reference Table.**

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein."

As of Supplement No. 4, this table will no longer be updated.

### **Ordinance List and Disposition Table.**

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 4, this table will be replaced with the "Code Comparative Table and Disposition List."

### **Code Comparative Table and Disposition List.**

Beginning with Supplement No.4, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

### **Index.**

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

#### **BUSINESS LICENSE**

See also **BUSINESS TAX**

Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

### **Instruction Sheet.**

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet will tell the code user the date of the most recent supplement and the last

ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

#### **Page Numbers.**

When originally published, the pages of this code were consecutively numbered. As of Supplement No. 4, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 32, 32.1, 32.2, 32.2.1, 32.2.2., 33). Backs of pages that are blank (in codes that are printed double-sided) will be left unnumbered but the number will be "reserved" for later use.

#### **Electronic Submission.**

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Our e-mail address is: [ords@municode.com](mailto:ords@municode.com). For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation  
P.O. Box 2235  
Tallahassee, FL 32316

#### **Customer Service.**

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation  
1700 Capital Circle SW  
Tallahassee, FL 32310



## **Title 1**

### **GENERAL PROVISIONS**

#### **Chapters:**

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 General Penalty**



**Chapter 1.01**

**CODE ADOPTION**

**(Reserved)**

**Chapter 1.04**

**GENERAL PROVISIONS**

**Sections:**

- 1.04.010 Municipal code.**
- 1.04.020 Definitions.**
- 1.04.030 Repeal of ordinances.**
- 1.04.040 Ordinances repealed not reenacted.**
- 1.04.050 Jurisdiction.**
- 1.04.060 Separability of provisions.**
- 1.04.070 Copies on file.**
- 1.04.080 Corporate seal.**

**1.04.010 Municipal code.**

A. Title. This code of ordinances may be known and cited as the "Village of Onarga Municipal Code."

B. Amendments. Any additions or amendments to this code are incorporated in this code so that a reference to the Village of Onarga Municipal Code includes such additions and amendments. (Prior code § 1.01(a), (b))

**1.04.020 Definitions.**

A. Terms used in this code, unless specifically defined in this code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms.

B. Terms used in this code have the following meanings:

"Village" means the village of Onarga, Illinois.

"County" means Iroquois County.

"State" means state of Illinois

"Village board" or "board of trustees" means the president and board of trustees of the village of Onarga.

"Village clerk" means the village clerk of the village of Onarga and similarly any refer-

ence to any officer, board or commission means such officer, board or commission of the village of Onarga unless otherwise stated.

"Mayor" means the president of the village of Onarga; and the president of the board of trustees of the village of Onarga.

"Person" means any natural individual, firm, partnership, trust estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

"Illinois Municipal Code" means 65 ILCS 5.

"This code" means the Village of Onarga Municipal Code. (Ord. 2003-3 § 1; Ord. 2003-2 § 1; prior code § 1.02)

**1.04.030 Repeal of ordinances.**

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances are continuations of such ordinances and not new enactments. Any act done, offense committed, or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal had not been effected. (Prior code § 1.03(b))

**1.04.040 Ordinances repealed not reenacted.**

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative



or validating ordinance does not impair or affect any cure or validation already effected thereby. (Prior code § 1.04)

**1.04.050 Jurisdiction.**

Unless otherwise provided in this code, this code applies to acts performed within the corporate limits of the village. Provisions of this code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the village to regulate such particular acts outside the corporate limits. (Prior code § 1.05)

**1.04.060 Separability of provisions.**

Each section, paragraph, sentence, clause and provision of this code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code nor any part thereof, other than that part affected by such decision. (Prior code § 1.09)

**1.04.070 Copies on file.**

Copies of this code shall be kept available at the village clerk's office for public inspection at all reasonable hours. (Prior code § 1.11)

**1.04.080 Corporate seal.**

The corporate seal of the village shall be as follows: A circular disc with the words "Corporate Seal" inscribed in the inner circle thereof, and the words "Village of Onarga, Iroquois County, Illinois" inscribed in the outer circle thereof. (Prior code § 3.09)

1.08.010

## Chapter 1.08

### GENERAL PENALTY

#### Sections:

- 1.08.010 Penalties.**
- 1.08.020 Responsibility for acts.**
- 1.08.030 Revocation of license.**

#### **1.08.010 Penalties.**

A. Standard Penalty. Unless another penalty is specifically provided by this code for violation of any particular provision, section or chapter, any person violating any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall upon conviction be subject to a fine no greater than seven hundred fifty dollars (\$750.00), and the costs of prosecution.

B. Commitment. The person upon whom any fine or penalty is imposed for violation of any provision of this code or any ordinance of the village, upon order of the court before whom the conviction is had, may be committed to the county jail as provided by law, or to any other place provided by ordinance for the incarceration of offenders until the fine, penalty, and costs are fully paid. No imprisonment, however, shall exceed six months for any one offense.

C. Each Day of Violation. Each act of violation and each day upon which a violation occurs or continues constitutes a separate offense.

D. Applicability. The penalty provided by this section applies to the amendment of any section of this code or a code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.

E. Reference to Sections. Reference to a section of this code shall be understood also to

refer to and include the penalty section relating thereto, unless otherwise expressly provided.

F. Failure of Officers to Perform Duties. The failure of an officer or employee of the village to perform an official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided in the section creating the duty. (Ord. 2003-4 § 1; Ord. 3/6/95 § 1; prior code § 1.06)

#### **1.08.020 Responsibility for acts.**

Every person concerned in the commission of an act prohibited by this code, whether he or she directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he or she had directly committed such act. (Prior code § 1.08)

#### **1.08.030 Revocation of license.**

The revocation of a license or permit shall not be considered a recovery or penalty so as to bar any penalty being enforced. (Prior code § 1.12)

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.04 Board of Trustees**
- 2.08 Village President**
- 2.12 Village Clerk**
- 2.16 Village Treasurer**
- 2.20 Village Attorney**
- 2.24 Village Collector**
- 2.28 Budget Officer**
- 2.32 Superintendent of Public Works**
- 2.36 Officers and Employees Generally**
- 2.40 Police Department**
- 2.44 Economic Development Commission**
- 2.48 State Gift Ban Act Adopted**
- 2.52 State Officials and Employees Ethics Act**



## Chapter 2.04

### BOARD OF TRUSTEES

#### Sections:

- 2.04.010** Government of village.
- 2.04.020** Election, term and powers.
- 2.04.030** Regular meetings.
- 2.04.040** Special meetings.
- 2.04.050** Presiding officer.
- 2.04.060** Quorum.
- 2.04.070** Rules of order.
- 2.04.080** Records.
- 2.04.090** Committees.
- 2.04.100** Duties of standing committees.

#### **2.04.010** Government of village.

The village shall be governed by a board of trustees which shall be elected at large and shall consist of a president and six trustees. (Prior code § 2.01)

#### **2.04.020** Election, term and powers.

The members of the board of trustees shall be elected and serve for a four-year term, and until their successors are elected and qualified, as provided by law. The board of trustees shall be the legislative department of the municipal government, and shall perform such duties and have such powers as provided by law and by ordinance. (Prior code § 2.02)

#### **2.04.030** Regular meetings.

The first regular meeting of the president and board of trustees shall be called to order at 7:00 p.m. the first Monday following the first Friday of each month in the Onarga Village Hall. The second meeting will be held the Monday two weeks following the first, except whenever the regular meeting date shall fall

on a legal holiday, such regular meeting shall be held on the next succeeding secular day at the same hour and place. (Editorially amended during 2003 codification; prior code § 2.03)

#### **2.04.040** Special meetings.

Special meetings of the board of trustees may be called by the president or any three members of the board of trustees, provided that written notice of such meetings shall be given to each member of the board of trustees no less than forty-eight (48) hours before the time set for such meetings. Whenever all of the members of the board of trustees are present at any special meeting, the requirement of notice of such special meeting shall be deemed waived. (Ord. 2003-6 § 1; prior code § 2.04)

#### **2.04.050** Presiding officer.

The president shall be the presiding officer of the regular and special meetings of the board of trustees, and of other meetings when the board of trustees convenes as a committee of the whole. In the absence of the president, the village clerk shall open the meeting and the chairperson of the finance committee shall serve as temporary chairperson. (Prior code § 2.05)

#### **2.04.060** Quorum.

A majority of the elected members of the board of trustees shall constitute a quorum thereof, but no ordinance shall be passed except upon the affirmative vote of a majority of the elected members of the board of trustees or according to law. (Prior code § 2.06)

#### **2.04.070** Rules of order.

A. Order of Business. The order of business at all meetings of the board of trustees

2.04.080

shall be as follows:

1. Roll call of members;
2. Approval of minutes of previous meeting of the board of trustees;
3. Presentation of reports of village treasurer and village clerk;
4. Reading of the bills and accounts against the village;
5. Reports of appointed officers;
6. Reports of standing committees;
7. Unfinished business;
8. Presentation of petitions or communications to the board of trustees;
9. New business;
10. Miscellaneous business;
11. Adjournment.

B. **Motions, Resolutions and Ordinances.** All motions, resolutions and ordinances submitted to the board of trustees shall be reduced to writing before being voted upon. Where such are adopted and entered upon the minutes of the proceedings of the board of trustees, the name of the member moving the adoption, and the name of the member seconding same shall be entered in the minutes. On each matter submitted to the board of trustees upon which a vote is taken, the vote of each member voting, as well as the vote of the president when he or she is required by law or by ordinance to vote, shall also be entered in the minutes.

C. **Addressing Meetings.** No person other than the president, member of the board of trustees, or village officer shall address the board of trustees at any regular or special meeting except upon consent of a majority of the members of the board of trustees present.

D. **Suspension of Rules.** The rules of order, other than those provided by law, may be suspended at any time by the affirmative vote of a majority of the members present at any meeting of the board of trustees.

E. **Robert's Rules of Order.** Robert's Rules of Order, 75th Anniversary Edition, shall govern the deliberations of the board of trustees, except as is otherwise provided by law or ordinance. (Prior code § 2.07)

**2.04.080 Records.**

The village clerk shall keep the minutes and records of the proceedings of the board of trustees. (Prior code § 2.08)

**2.04.090 Committees.**

A. **Standing Committees.** There shall be the following standing committees of the board of trustees: finance; infrastructure; building standards; local and intergovernmental communication; recreational activities; safety, security and enforcement.

B. **Membership.** The president shall appoint the members of all standing committees and shall designate the chairpersons and vice chairpersons thereof. Each standing committee shall consist of three members of the board of trustees, except as the board of trustees shall otherwise provide.

C. **Special Committees.** The president shall appoint such special committees as shall be deemed necessary, or as the board of trustees shall direct.

D. **Reports of Committees.** All reports of committees shall be in writing, and shall have attached thereto all pertinent papers relating to the subject matter of the report. (Ord. 2003-7 § 1; prior code § 2.09)

**2.04.100 Duties of standing committees.**

A. **Committee on Finance.** The committee on finance shall audit all bills and accounts; approve the treasurer's monthly report; provide necessary services for continuity of all incoming revenue streams (village collections,

farm or other trusts, tax revenue, investment income); secure grants, gifts and donations; recommend pricing for all village services; recommend annual appropriation and levy and budgeting; provide any financial reports and data as needed; manage all funds of the village; recommend labor and employment for financial activities and those not covered by other committees; recommend funding options; and shall perform such other duties as may be provided for by law or by ordinance.

B. Committee on Infrastructure. The committee on infrastructure shall have charge of all development, upkeep and repair of streets, alleys and sidewalks; development, management and maintenance of all village structures and properties; recommend purchases of all machinery and equipment; planting, grooming of trees, shrubs and grasses on village properties; manage all water distribution issues (maintain all records, maps, plats, and drawings, proposed installations and repairs); recommend labor and employment of infrastructural duties; collection of garage and refuse; general sanitation, and cleanliness; and shall perform such other duties as may be provided for by law or by ordinance.

C. Committee on Building Standards. The committee on Building Standards shall have charge of developing building code of residential, commercial, and industrial structures; developing living standards of Onarga residents; developing solutions for vacated properties; recommending licensing standards for mobile homes; administering permits and licenses relative to living and building standards; recommend to the president and board changes in zoning; recommend labor and employment of building standard duties; and shall perform such other duties as may be provided for by law or by ordinance.

D. Committee for Local and Intergovernmental Communication. The committee for local and intergovernmental communication shall develop and administer promotional materials and activities (assess and administer promotion of property development, assess and administer promotion to attract commerce, administer promotional activities to attract philanthropy); facilitate the information exchange between village entities and residents (assure residents have information of board and employee duties, assure residents have information of future changes, communicate need of resident support when necessary); facilitate the information exchange between village, state and federal officials (provide state and federal officials information regarding Onarga's needs, provide Onargans with information about policy changes); recommend labor and employment of communication duties; and shall perform such other duties as may be provided for by law or by ordinance.

E. Committee for Recreational Activities. The committee for recreational activities shall recommend board envelopment and approval of community events (provide liaison services between the village board and local organizations; provide leadership of new events and fun activities); manage all park issues (develop park plan (physical layout), recommend regulations necessary for safe recreation, recommend purchasing or retiring of park equipment, administer the organization of scheduling); manage all pool issues (recommend pool calendar, collaborate with finance chairperson to set rates, recommend purchasing or retiring of pool equipment); recommend labor and employment of recreational personnel; and shall perform such other duties as may be provided for by law or by ordinance.

2.04.100

F. Committee for Safety, Security and Enforcement. The committee for safety, security and enforcement shall recommend policy, code, procedures, and restrictions necessary in maintaining the safety of Onarga's citizens; recommend procedures for the enforcement of village ordinances; recommend procedures for the enforcement of county, state, and federal law; recommend education necessary in maintaining a safe and secure community; recommend labor and employment of safety, security and enforcement duties; and shall perform such other duties as may be provided for by law or by ordinance. (Ord. 2001-7 § 1; prior code § 2.10)



## Chapter 2.08

### VILLAGE PRESIDENT

**Sections:**

- 2.08.010 Election and term.**
- 2.08.020 Duties.**
- 2.08.030 Appointment of officers.**
- 2.08.040 Designation of duties.**
- 2.08.050 President pro-tem.**
- 2.08.060 Bond.**

**2.08.010 Election and term.**

The president shall be elected for a four-year term, and shall serve until his or her successor is elected and qualified, as provided by law. (Prior code § 3.01(a))

**2.08.020 Duties.**

The president shall be the chief executive officer of the village, and shall perform such duties as may be required by law or by ordinance. The president shall have supervision over all executive officers and employees of the village, and shall have the power and authority to inspect and examine all books and records pertaining to village affairs and all books and records kept by all officers and employees of the village in their official capacities at any reasonable time. The president shall act for and on behalf of the village on all formal occasions and at all formal receptions. (Prior code § 3.01(b))

**2.08.030 Appointment of officers.**

The president shall have the power and authority to appoint and remove from appointment, by and with the advice and consent of the board of trustees, all officers of the village whose election or appointment is not otherwise provided for. Any vacancies occurring in

an appointive office shall be filled in like manner. (Prior code § 3.01(c))

**2.08.040 Designation of duties.**

The president shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has otherwise been directed to perform such duty. Whenever there is a dispute concerning the respective duties or powers of any appointed officer of the village, or uncertainty, such dispute or uncertainty shall be settled by the president upon consultation with the village attorney. (Prior code § 3.01(d))

**2.08.050 President pro-tem.**

During any temporary absence or disability of the president, the board of trustees shall elect one of its members to act as president pro-tem, who shall possess the powers and authority of the president, as provided by law and by ordinance. (Prior code § 3.01(e))

**2.08.060 Bond.**

Before entering upon the duties of office, the president shall execute a bond in such amount and with such sureties as may be required by law and by ordinance, conditioned upon the faithful performance of the duties of the office. The village shall pay the premium on such bond. (Prior code § 3.01(f))

2.12.010

## Chapter 2.12

### VILLAGE CLERK

#### Sections:

- 2.12.010 Election and term.**
- 2.12.020 Duties.**
- 2.12.030 Bond.**

#### **2.12.010 Election and term.**

The village clerk shall be elected and shall serve for a four-year term, and until his or her successor is elected and qualified as provided by law. (Prior code § 3.02(a))

#### **2.12.020 Duties.**

The village clerk shall perform the following duties:

A. Seal and attest all contracts of the village, all licenses, permits and such other instruments and documents as are provided for by law or by ordinance.

B. Turn over all money received in behalf of the village to the village treasurer promptly upon receipt of same, and shall furnish the village treasurer a statement as to the source thereof.

C. Maintain accounts showing all funds received in behalf of the village, the source and disposition thereof, and such other accounts as may be required by law or by ordinance.

D. Keep a register of all licenses and permits issued, a record showing all of the officers and regular employees of the village, and such other records as may be required by law or by ordinance.

E. Be the custodian of all papers, instruments and documents belonging to the village which are not assigned for custody to another officer of the village or to the president or board of trustees.

F. Keep and maintain a proper index of all documents and records in his or her possession.

G. Be the custodian of the village seal, and shall affix its impression upon all papers, instruments and documents as shall be required by law or by ordinance.

H. Attend all meetings of the board of trustees and shall accurately record the minutes of all such proceedings of the board of trustees, and shall record and file in separate files all motions, resolutions, ordinances and other actions passed and approved by the board of trustees.

I. In addition, he or she shall perform such other duties as may be required by law or by ordinance. (Prior code § 3.02(b))

#### **2.12.030 Bond.**

Before entering upon the duties of office, the village clerk shall execute a bond in such amount and with such sureties as may be required by law or by ordinance, conditioned upon the faithful performance of the duties of the office. The village shall pay the premium on such bond. (Prior code § 3.02(c))

**Chapter 2.16**

**VILLAGE TREASURER**

**Sections:**

- 2.16.010      Creation of office—  
                         Appointment.**
- 2.16.020      Duties.**
- 2.16.030      Bond.**

**2.16.010      Creation of office—  
                         Appointment.**

There is created the office of village treasurer, an executive office of the village. The village treasurer shall be appointed and shall serve for a four-year term, and until his or her successor is appointed and qualified as provided by law. (Prior code § 3.03(a))

**2.16.020      Duties.**

The village treasurer shall perform the following duties:

A. Receive all money paid in to the village, either directly or from other village officers, and shall make out all checks of the village and pay out village funds only on vouchers, orders or checks properly signed by the treasurer upon written authorization by two trustees.

B. Deposit the village funds in such legal depositories as may be designated by the board of trustees by ordinance, and he or she shall keep the village funds separate and distinct from his or her own funds and all others, and shall not intermingle his or her own funds or any others with the village funds, and he or she shall not make private or personal use of the village funds.

C. Keep and maintain accurate books and records of account showing all moneys received by him or her, the source thereof, and all moneys paid out by him or her, and the

purpose for which such money was paid out, and he or she shall keep a record showing at all times the financial condition of the village, and shall make monthly reports to the board of trustees showing the funds received and disbursed during the month, and shall make an annual report of the board of trustees between the first and tenth days of May in each year of the total amount of all receipts and expenditures of the village, and showing all of his or her transactions as village treasurer during the preceding year.

D. Keep a register of all warrants, bonds or orders filed with him or her or paid by him or her, and of all vouchers, as provided by law or by ordinance.

E. From time to time the village treasurer may invest village funds not immediately necessary in such depositories or in such securities as the village treasurer may deem in the best interest of the village, provided however that at the next regular meeting of the president and board of trustees the village treasurer shall request ratification of his or her action in making any investments.

F. In addition, he or she shall perform such other duties as may be required by law or by ordinance. (Ord. 2003-8 § 1; prior code § 3.03(b))

**2.16.030      Bond.**

Before entering upon the duties of office, the village treasurer shall execute a bond in such amount and with such sureties as may be required by law and by ordinance, conditioned upon the faithful performance of the duties of the office, and to indemnify the village against any loss due to any neglect of duty or wrongful act on the part of the village treasurer. The village shall pay the premium on such bond. (Prior code § 3.03(d))

**Chapter 2.20**

**VILLAGE ATTORNEY**

**Sections:**

- 2.20.010      Creation of office—  
                         Appointment.**
- 2.20.020      Duties.**
- 2.20.030      Bond.**

**2.20.010      Creation of office—  
                         Appointment.**

There is created the office of village attorney, an executive office of the village. The village attorney shall be appointed by the president, by and with the advice and consent of the board of trustees. The village attorney need not be a resident nor a qualified elector of the village, but he or she must be licensed to practice law in the state of Illinois. (Prior code § 3.04(a))

**2.20.020      Duties.**

A. The village attorney shall be the legal advisor of the village, and shall render advice upon all legal questions affecting the village whenever requested so to do by any village officer. Upon the request of the president or board of trustees, the village attorney shall reduce legal advice or opinions to writing.

B. The village attorney shall prosecute or defend any and all suits or actions at law or in equity to which the village may be a part, or in which the village 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.

C. The village attorney shall act to enforce in full all judgments, decrees, or orders rendered or entered in favor of the village, and to

carry out to completion all special assessment and condemnation proceedings.

D. The village attorney shall draft or supervise the drafting of all contracts, leases and other documents or instruments to which the village may be a party, and upon the request of the president or board of trustees shall draft ordinances or resolutions on any subjects within the powers of the village. (Prior code § 3.04(b))

**2.20.030      Bond.**

The village attorney shall not be required to furnish bond before entering upon the duties of the office. (Prior code § 3.04(c))

**Chapter 2.24****VILLAGE COLLECTOR****Sections:****2.24.010 Office created—Powers and duties.****2.24.010 Office created—Powers and duties.**

A. There is created the office of village collector, an executive office of the village. The collector shall be appointed for one year.

B. The village clerk may be the collector.

C. It shall be the duty of the collector to collect and receive all moneys due the village from any source whatsoever not paid directly to the village treasurer, and to keep such records pertaining to such collections as may be required by statute or ordinance. Weekly, or oftener as required by the corporate authorities, the collector shall pay over to the village treasurer all moneys collected by him or her from any source whatsoever, taking the treasurer's receipt therefor. The collector shall keep his or her books and accounts in the manner the corporate authorities may prescribe.

D. The collector shall make such reports regarding collections as are required by statute and shall make a monthly report to the corporate authorities showing what moneys have been received and the source thereof. The collector shall also make an annual report, during the last month of the fiscal year, showing all the activities of his or her office. (Prior code § 3.06)

2.28.010

**Chapter 2.28**

**BUDGET OFFICER**

**Sections:**

**2.28.010 Office created—Powers and duties.**

**2.28.010 Office created—Powers and duties.**

A. There is created the office of budget officer, an executive office of the village.

B. The village treasurer shall be the budget officer.

C. The budget officer shall have the following powers and duties:

1. Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all village departments, commissions, and boards;

2. Compile an annual budget in accordance with the requirements of the Illinois Revised Statutes;

3. Examine all books and records of all village departments, commissions, and boards which relate to moneys received by the village, village departments, commissions, and boards, debts and accounts receivable, amounts owed by or to the village, village departments, commissions, and boards;

4. Obtain such additional information from the village, village departments, commissions, and boards as may be useful to the budget officer for purposes of compiling a village budget, such information to be furnished by the village, village departments, commissions, and boards in the form required by the budget officer. Any department, commission, or board which refuses to make such information as is requested of it available to the budget officer shall not be permitted to

make expenditures under any subsequent budget for the village until such village department, commission, or board shall comply in full with the request of the budget officer:

5. Establish and maintain such procedures as shall insure that no expenditures are made by the village, village departments, commissions, or boards except as authorized by the budget. (Ord. 2003-9 § 1; prior code § 3.12)

## Chapter 2.32

### SUPERINTENDENT OF PUBLIC WORKS

#### Sections:

- 2.32.010 Office created—  
Appointment.**
- 2.32.020 Term.**
- 2.32.030 Duties.**
- 2.32.040 Reports.**
- 2.32.050 Removal.**

#### **2.32.010 Office created— Appointment.**

There is created the office and position of superintendent of public works, and such office and position shall be filled by appointment of the president by and with the consent and approval of the board of trustees. (Prior code § 3.05(a))

#### **2.32.020 Term.**

The term of office of the superintendent of public works shall be from year to year and shall commence on the first day of May in each year, and any individual duly appointed as superintendent of public works shall serve in such position from the first day of May in each year to the first day of May in the year following, or until his or her successor shall be otherwise appointed and qualified. In the event of the resignation, death or inability of the person so appointed to serve as superintendent of public works, a successor may be appointed by the president by and with the consent and approval of the board of trustees to complete the unexpired term and such successor shall serve until the completion of the unexpired term or until his or her successor is duly appointed and qualified. (Prior code § 3.05(b))

#### **2.32.030 Duties.**

It shall be the duty of the superintendent of public works to correlate, control, superintend and otherwise see to the completion of all work and projects which may be undertaken by the village or ordered done by the president of the village, under authority of the board of trustees. (Prior code § 3.05(c))

#### **2.32.040 Reports.**

The superintendent of public works shall be responsible solely to the president and board of trustees for all matters coming under his or her control and shall regularly render a monthly report of the progress and condition of such matters to the president and board of trustees. The president, under authority of the board of trustees, shall exercise day-to-day supervision of the superintendent in matters of routine village operation. (Prior code § 3.05(d))

#### **2.32.050 Removal.**

The superintendent of public works shall be subject to removal from office upon the sole determination of the president and board of trustees. (Prior code § 3.05(e))

**Chapter 2.36**

**OFFICERS AND EMPLOYEES  
GENERALLY**

**Sections:**

- 2.36.010 Bonds of officer.**
- 2.36.020 Officers and employees—  
General provisions.**
- 2.36.030 Elections.**
- 2.36.040 Drug-free workplace.**

**2.36.010 Bonds of officer.**

A. Every officer and employee of the village, as may be required so to do by law or by ordinance, before entering upon the duties of the office or position of employment, shall give a bond in such amount and with such sureties as may be required by law or by the board of trustees, which shall be subject to the approval of the board of trustees, and which shall be conditioned upon the faithful performance of the duties of the office or position of employment. Unless otherwise provided for by law or by ordinance, such bonds shall have as surety a company or corporation licensed to act as surety in the state of Illinois and to do business in the state of Illinois. The premium on such bonds shall be paid out of the general funds of the village.

B. The penalty of bonds of certain elected and appointed officers and employees of the village shall be as follows:

President	\$15,000.00
Village clerk	15,000.00
Village treasurer	60,000.00
Village collector	15,000.00

(Prior code § 3.07)

**2.36.020 Officers and employees—  
General provisions.**

A. Effect of Section. The provisions of this section shall apply alike to all officers and employees of the village, regardless of the time of the creation of the office or position of employment, and regardless of the time of the appointment of the officer or employment of the employee.

B. Appointments. The president, by and with the advice and consent of the board of trustees, shall make appointments to fill all appointive offices. The president shall select all employees and fill all positions of employment of the village. The president may remove any appointed officer or employee as in Section 2.08.030 or as provided by law.

C. Terms of Office—Vacancies. Every appointed officer and every employee of the village shall hold office or a position of employment for a period of one year from the date of appointment, or until his or her successor is appointed, chosen or selected and has qualified, except as may otherwise be provided for by ordinance, and except that employees shall serve only so long as their services are desired or as the terms of their position of employment require and provide.

D. Assignment of Duties. The president shall have the power and authority to assign to any appointed officer any duty which is not assigned by ordinance or by law to some other specific officer, and the president shall determine all disputes or questions relating to the respective powers and duties of such officers.

E. Records. All records kept or maintained by any officer of the village shall be open to inspection by the president or any member of the board of trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance.



F. Moneys Received. Every officer of the village shall at least once a week turn over all moneys received by him or her in his or her official position to the village treasurer, with a statement showing the source from which the same was received, and shall take the village treasurer's receipt therefor.

G. Oath. Before entering upon the duties of their respective offices, all village officers, whether elected or appointed, shall take and subscribe the oath or affirmation as set forth in the Illinois Municipal Code.

H. Salaries and Wages. All officers and employees of the village shall receive such salaries or wages as may be provided from time to time by ordinance. No officer or employee receiving a salary from the village shall be entitled to retain any portion of any fees collected or received by him or her in the performance of his or her duties as a village officer or employee, in the absence of specific authorization to the contrary as may be provided by law or by ordinance.

I. Conservators of Peace. The president and board of trustees shall be conservators of the peace, and shall have such powers of arrest, commitment, and detention as may be prescribed by law or by ordinance.

J. Termination of Office or Employment. Every officer and employee of the village upon the termination of his or her office or employment, shall deliver to his or her successor all books and records which may be the property of the village. If no successor has been elected, chosen or appointed within seven days after the termination of such office or position of employment, such property shall be delivered to the village clerk or to the village treasurer, and a receipt taken therefor. (Prior code § 3.08)

### **2.36.030 Elections.**

Elections for municipal offices shall be held as provided by law, and in accord with such lawful regulations as may be made by ordinance by the president and board of trustees. (Prior code § 3.11)

### **2.36.040 Drug-free workplace.**

The village will provide a drug-free workplace by:

#### A Publishing a statement:

1. Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the village's workplace;

2. That any employee of the village who is under the influence of any "controlled substance", including cannabis, while working for the village shall be fired;

3. Notifying the employee that, as a condition of employment of the village, the employee will:

a. Abide by the terms of the statement; and

b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

B. Establishing a drug-free awareness program to inform employees about:

1. The danger of drug abuse in the workplace;

2. The village's policy of maintaining a drug-free workplace;

3. Any available drug counseling, rehabilitation, and employee assistance programs; and

4. The penalties that may be imposed upon an employee for drug violations.

C. Providing a copy of the statement required by subsection A of this section to each

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employee engaged in the performance of work for the village and to post the statement in a prominent place in the workplace.

D. Notifying the village within ten (10) days after receiving notice under subsection (A)(3)(b) of this section from an employee or otherwise receiving actual notice of such conviction.

E. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted, as required by Section 5 of the Drug Free Workplace Act.

F. Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.

G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the Drug Free Workplace Act. (Ord. 97-7 § 1: prior code § 1.30)

## Chapter 2.40

### POLICE DEPARTMENT

#### Sections:

- 2.40.010 Created.**
- 2.40.020 Chief of police.**
- 2.40.030 Probationary period.**
- 2.40.040 Duties.**
- 2.40.050 Oath and bond.**
- 2.40.060 Activities prohibited.**
- 2.40.070 Leaving the village.**
- 2.40.080 Conduct.**
- 2.40.090 Activities restricted.**
- 2.40.100 Hiring standards for part-time police officers.**

#### **2.40.010 Created.**

There is created a police department of the village which shall consist of a chief of police and such other members as the board of trustees may from time to time prescribe. (Ord. 84-9 (part): prior code § 3.13(a))

#### **2.40.020 Chief of police.**

The chief of police shall be appointed by the president by and with the consent of the board of trustees. The chief of police shall be in charge of all members of the police department and they shall be subject to his or her orders. (Ord. 84-9 (part): prior code § 3.13(b))

#### **2.40.030 Probationary period.**

The first year of service of the chief of police or any other member of the police department is a probationary period during which time there shall be no responsibility on the part of the village for the continued employment of the new chief of police or new member of the police department. Termination of employment during this probationary

period shall not be subject to challenge by the chief of police or member of the police department. Termination of employment during the probationary period may be made by the president of the board of trustees, by and with the consent of the board of trustees, without any hearing and without the showing of any cause for such termination of employment. When the probationary period of service is completed, the employment of the chief of police or member of the police department shall then become permanent, subject only to availability of funds with which to pay the salaries of the members of the police department, and may not be terminated otherwise, except for just cause shown and only pursuant to a hearing before the president and board of trustees had after a week's notice in writing given by mail to the member of the police department at his or her last known mail address. (Ord. 84-9 (part): prior code § 3.13(c))

#### **2.40.040 Duties.**

All members of the police department, including patrol officers, shall be appointed by the president by and with the consent of the board of trustees. They shall enforce the ordinances of the village and the laws of the state, effective in the village. They shall preserve order, prevent infractions of the law, and prosecute violators of the law or ordinances of the village. All members of the police department shall report regularly to the president of the board of trustees and shall be subject to his or her direction and orders. (Ord. 84-9 (part): prior code § 3.13(d))

#### **2.40.050 Oath and bond.**

The chief of police, before entering upon his or her duties as chief of police, shall file with the village clerk his or her oath and his or

#### 2.40.060

her bond in the penal sum of two thousand dollars (\$2,000.00.) (Ord. 84-9 (part): prior code § 3.13(e))

#### **2.40.060 Activities prohibited.**

Every police officer, while on duty, shall conduct himself or herself in such a manner as is befitting a police officer. Any police officer, while on duty, who engages in any activities, other than those required by his or her official duties, shall be subject to immediate suspension or removal. Any immoral or illegal activities of an officer, while on duty, may require his or her removal. (Ord. 84-9 (part): prior code § 3.13(f))

#### **2.40.070 Leaving the village.**

No member of the police department doing patrol duty shall go beyond the limits of the village unless in the performance of actual police duty, or upon direct orders from a superior officer. (Ord. 84-9 (part): prior code § 3.13(g))

#### **2.40.080 Conduct.**

No member of the police department shall conduct himself or herself in a disorderly or any other manner as to bring discredit upon the village. (Ord. 84-9 (part): prior code § 3.13(h))

#### **2.40.090 Activities restricted.**

While on duty, no police officer shall engage in any activities which are not related to his or her functions as a police officer or as an employee of the village. No person, who is not an officer or employee of the village or who is not then actively engaged in police activities on behalf of the village, shall ride with any police officer while on duty, except in cases of arrest or in cases of accidents or other incidents of distress in which relief is

being given to the victims thereof. No police officer, while on duty, shall use a village police car for his or her own personal interests. (Ord. 84-9 (part): prior code § 3.13(i))

#### **2.40.100 Hiring standards for part-time police officers.**

The following standards shall be required of persons hired for the position of part-time police officer:

A. Have successfully completed Illinois POWER test;

B. Have no felony convictions or any other crime involving moral turpitude;

C. Be of good character and pass a background investigation;

D. Position of part-time officer will be an appointed one;

E. Part-time officer will be disciplined and discharged by Onarga police committee and chief of police;

F. Have completed the 400 Hour Minimum Standards Basic Law Enforcement Training Course or received a Part-time Officer Waiver from the Illinois Law Enforcement Standards and Training Board;

G. Have attained twenty-one (21) years of age;

H. Be a citizen of the United States;

I. Be a resident of the state of Illinois;

J. Have earned a high school diploma or equivalent. (Ord. 97-5 § 1: prior code § 3.13.1)

## Chapter 2.44

### ECONOMIC DEVELOPMENT COMMISSION

#### Sections:

- 2.44.010**      **Established—Purpose.**
- 2.44.020**      **Membership—  
Appointments.**
- 2.44.030**      **Expenditure of funds.**
- 2.44.040**      **Community involvement.**
- 2.44.050**      **Reports to president and  
board of trustees.**

#### **2.44.010**      **Established—Purpose.**

There is established a citizens commission which shall be known as the economic development commission for the purpose of structuring sound economic development programs, through conducting such research and inventory of resources and preparation of industrial fact profiles to be used as presentations to industrial prospects considering expansion or location in the Onarga area. The commission shall make its findings and recommendations to the president and board of trustees in the manner prescribed herein. (Ord. 84-2 § 1)

#### **2.44.020**      **Membership— Appointments.**

A. The membership of the economic development commission shall be composed of five residents of the village, one of which shall be elected chairperson. The appointments to this commission shall be made by the president with the advice and consent of the board of trustees.

B. The term of office to this commission shall be for a period of three years. However, members appointed at the onset shall be for the following terms:

1. Two members for a three-year term;
2. Two members for a two-year term;
3. One member for a one-year term.

Successors to be appointed for three year terms. In addition to the five members of this commission, the village president shall serve as an ex-officio member. The chairperson of the plan commission of the village or his or her designee shall also be an ex-officio member of this commission. (Ord. 84-2 § 2)

#### **2.44.030**      **Expenditure of funds.**

The economic development commission shall be authorized to expend no municipal funds other than those appropriated and approved by the village president and the village board. However, the economic development commission is authorized to encourage the creation of a nonprofit economic development corporation as a legal entity to raise such funds as needed and handle such other financial responsibilities in the performance of their duties. (Ord. 84-2 § 3)

#### **2.44.040**      **Community involvement.**

The economic development commission is authorized to enlist the volunteer services of such other members of the community who will assist in achieving the goals of sound economic growth. recognizing broad community involvement will assure broad community support. (Ord. 84-2 § 4)

#### **2.44.050**      **Reports to president and board of trustees.**

The economic development commission shall make periodic reports on their progress and shall make their recommendations to the president and board of trustees regularly, but not less than every six months. (Ord. 84-2 § 5)

**Chapter 2.48**

**STATE GIFT BAN ACT**

**Sections:**

- 2.48.010 Adoption of Act.**
- 2.48.020 Ethics officer.**
- 2.48.030 State Legislative Ethics Commission—**  
**Complaints.**
- 2.48.040 Existing ethics ordinance or gift ban ordinance.**
- 2.48.050 Future amendments to State Gift Ban Act.**
- 2.48.060 Future declaration of unconstitutionality of State Gift Ban Act.**

**2.48.010 Adoption of Act.**

A. The State Gift Ban Act (5 ILCS 425 et seq.) is adopted as required by Section 83 of the Act (5 ILCS 425/83).

B. The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the village. (Ord. 99-1 § 1(A-101))

**2.48.020 Ethics officer.**

If deemed necessary to comply with the State Gift Ban Act, the board of trustees shall appoint an ethics officer. The duties of the ethics officer shall be as provided in Section 35 of the Act. (Ord. 2003-48 § 1: Ord. 99-1 § 1(A-102))

**2.48.030 State Legislative Ethics Commission—Complaints.**

All complaints for violations of the Act and this chapter shall be filed with the State Legislative Ethics Commission (created by Section 45(a)(6) of the Act). (Ord. 99-1 § 1(A-103))

**2.48.040 Existing ethics ordinance or gift ban ordinance.**

To the extent that any existing ordinance is less restrictive than the State Gift Ban Act and this chapter, then the provisions and this chapter shall prevail in accordance with the provisions of Section 95 of the Act (5 ILCS 425/95). (Ord. 99-1 § 1(A-104))

**2.48.050 Future amendments to State Gift Ban Act.**

Any amendment to the State Gift Ban Act (5 ILCS 425/1 et. seq.) that becomes effective after the passage of the ordinance codified in this chapter shall be incorporated into this chapter by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this chapter by reference without formal action by the corporate authorities of the village. (Ord. 99-1 § 1(A-105))

**2.48.060 Future declaration of unconstitutionality of State Gift Ban Act.**

A. If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this chapter shall be repealed as of the date that the Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. The chapter shall be deemed repealed without further action by the corporate authorities of the village if the Act is found unconstitutional by the Illinois Supreme Court.

B. If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act,

then the remainder of the Act as adopted by this chapter shall remain in full force and effect; however, that part of this chapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village. (Ord. 99-1 § 1(A-106))

**Chapter 2.52**

**STATE OFFICIALS AND EMPLOYEES  
ETHICS ACT**

**Sections:**

**Article I. Definitions**

**2.52.010 Definitions.**

**Article II. Prohibited Political Activities**

**2.52.020 Prohibited political activities.**

**Article III. Gift Ban**

**2.52.030 Gift ban.**

**2.52.040 Exceptions.**

**2.52.050 Disposition of gifts.**

**Article IV. Penalties**

**2.52.060 Penalties.**

**Article I. Definitions**

**2.52.010 Definitions.**

For purposes of this chapter, the following terms shall be given these definitions:

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

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who

has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-1).

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

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

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

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

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



“Employer” means the village of Onarga.

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

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

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

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

“Political organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/93), but only with regard to those activities that require filing with the state board of elections or a county clerk.

“Prohibited political activity” means:

1. Preparing for, organizing, or participating in any political meeting; political rally, political demonstration, or other political event.

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

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

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

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

6. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

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

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

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

10. Preparing or reviewing responses to candidate questionnaires.

11. Distributing, preparing for distribution, or mailing campaign literature, campaign

signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

12. Campaigning for any elective office or for or against any referendum question.

13. Managing or working on a campaign for elective office or for or against any referendum question.

14. Serving as a delegate, alternate, or proxy to a political party convention.

15. Participating in any recount or challenge to the outcome of any election.

“Prohibited source” means any person or entity who:

1. Is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

2. Does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

3. Conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

4. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee. (Ord. 2004-1 § 1 (part))

## **Article II. Prohibited Political Activities**

### **2.52.020 Prohibited political activities.**

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

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

C. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

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

E. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or a political organization or club. (Ord. 2004-1 § 1 (part))

## **Article III. Gift Ban**

### **2.52.030 Gift ban.**

Except as permitted by this article, no officer or employee, and no spouse of or immedi-

ate family member living with any officer or employee (collectively referred to herein as “recipients”) shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section. (Ord. 2004-1 § 1 (part))

#### **2.52.040 Exceptions.**

Section 2.52.030 is not applicable to the following:

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

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

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

D. Educational materials and missions.

E. Travel expenses for a meeting to discuss business.

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

G. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because

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

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

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

J. Intra-governmental and inter-governmental gifts. For the purpose of this Act, “intra-governmental gift” means any gift

2.52.050

given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an officer or employee by an officer or employee of another government entity.

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

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

Each of the exceptions listed in this section is mutually exclusive and independent of every other. (Ord. 2004-1 § 1 (part))

**2.52.050 Disposition of gifts.**

An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this chapter if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. 2004-1 § 1 (part))

**Article IV. Penalties**

**2.52.060 Penalties.**

A. A person who intentionally violates any provision of Article II of this chapter may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days, and may be fined in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

B. A person who intentionally violates any provision of Article III of this chapter is sub-

ject to a fine in an amount of not less than one thousand one dollars (\$1,001.00) and not more than five thousand dollars (\$5,000.00).

C. Any person who intentionally makes a false report alleging a violation of any provision of this chapter to the local enforcement authorities, the state’s attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days, and may be fined in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

D. A violation of Article II of this chapter shall be prosecuted as a criminal offense by an attorney for the village of Onarga by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Article III of this chapter may be prosecuted as a quasi-criminal offense by an attorney for the village of Onarga, or, if an ethics commission has been created, by the commission through the designated administrative procedure.

E. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article II or Article III of this chapter is subject to discipline or discharge. (Ord. 2004-1 § 1 (part))

## **Title 3**

### **REVENUE AND FINANCE**

#### **Chapters:**

- 3.04 Fiscal Provisions Generally**
- 3.08 Purchasing System**
- 3.12 Tax Rights and Responsibilities**
- 3.16 Simplified Municipal Telecommunications  
Tax**



**Chapter 3.04**

**FISCAL PROVISIONS GENERALLY**

**Sections:**

**3.04.010 Fiscal year.**

**3.04.010 Fiscal year.**

The fiscal year of the village shall begin on May 1st of each year and end on April 30th of the following year. (Prior code § 3.10)

**Chapter 3.08**

**PURCHASING SYSTEM**

**Sections:**

- 3.08.010 Competitive bids to be obtained.**
- 3.08.020 Exceptions to competitive bid requirements.**
- 3.08.030 Procedure in contracts over ten thousand dollars.**
- 3.08.040 Emergency contracts.**
- 3.08.050 Contracts or purchases not exceeding fifty dollars.**
- 3.08.060 Contracts on purchases of one thousand dollars to ten thousand dollars.**
- 3.08.070 Contracts exempt from purchasing regulations.**
- 3.08.080 Invalid purchase contracts.**

**3.08.010 Competitive bids to be obtained.**

Any labor, lease, goods or services to be purchased, sale of personal property, equipment or supplies, or public improvement which is not to be paid for in whole or in part by a special assessment or special taxation, where the expenses or costs thereof will exceed ten thousand dollars (\$10,000.00) shall be constructed or purchased either: (1) by a contract let to the lowest responsible bidder after advertising for bids, except that any such contract may be entered into by the proper officers without advertising for bids if authorized by a vote of two-thirds of all the trustees elected; or (2) in the manner following, if authorized by a vote of two-thirds of all the trustees elected: the proper officers or departmental head shall make such purchase or shall su-

perintend and cause such work or construction to be carried out but all material of the value of ten thousand dollars (\$10,000.00) and upward used in any construction work or public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed herein. Nothing herein contained shall apply to any contract with the federal government or any agency thereof. (Ord. 99-6 § 1: prior code § 4.01)

**3.08.020 Exceptions to competitive bid requirements.**

Contracts which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, auditing, contracts for utility services such as water, heat, light, telephone or purchasing of educational matter shall not be subject to competitive bidding. (Prior code § 4.02)

**3.08.030 Procedure in contracts over ten thousand dollars.**

A. Publication. All proposals to award purchase orders or contracts in excess of ten thousand dollars (\$10,000.00) shall be published once at least ten (10) days in advance of the date announced for the receiving of bids, in a newspaper of general circulation throughout the village by the clerk. Nothing herein shall be construed to prohibit the clerk from posting additional notices or advertising in addition thereto in trade magazines, if so directed by the board of trustees.

B. Advertisements for Bids. Advertisement for bids shall describe the character of the proposed contract, purchase or improvement in sufficient detail to enable the bidders thereon to know what their obligations will



be, either in the advertisement itself, or by reference, to detailed plans and specifications on file in the office of the clerk at the time of publication of the announcement. The advertisement shall also state the date, time and place assigned for the opening of bids, and such bids will be received at any time subsequent to the time indicated in the announcement.

C. Deposit on Bids. Cash, a cashier's check, or a certified check as a deposit of good faith, in a reasonable amount but not in excess of ten (10) percent of the contract or purchase amount, may be required of each bidder on all sums in excess of ten thousand dollars (\$10,000.00) if specified in the bid announcement.

D. Opening of Sealed Bids. All sealed bids shall be publicly opened by the board of trustees. All bids shall be open to public inspection in the office of the clerk.

E. Bid Award. The award of any purchase or contract in excess of ten thousand dollars (\$10,000.00) shall be made by the board of trustees to the lowest or highest responsible bidder, depending on whether the village is to expend or receive money. (Ord. 2003-10 § 1a (part); prior code § 4.03)

### **3.08.040 Emergency contracts.**

In the event of an emergency affecting the public health, welfare or safety so declared by the president, a contract may be let or a purchase made, to the extent necessary to resolve such emergency without public advertisement in a sum not to exceed ten thousand dollars (\$10,000.00). The president shall file his or her authority for such expenditure in writing in the office of the clerk and a copy to the board of trustees and shall provide the date or time when the emergency shall terminate and shall name the person authorized to make such

expenditure or contract and the amount or amounts to be expended. (Ord. 2003-10 § 1a (part); prior code § 4.04)

### **3.08.050 Contracts or purchases not exceeding fifty dollars.**

A village officer may make purchases or award contracts not in excess of fifty dollars (\$50.00) to the lowest or highest bidder, depending on whether the village is expending or receiving money, without authorization by the board of trustees or procurement of bids as set forth in this chapter. The sum herein authorized to be expended shall constitute the total payment for such contract or purchase and shall not be expended as an installment or partial payment on a larger amount nor shall it be expended in any manner to circumvent directly or indirectly the other provisions of this chapter providing for authorization or bidding when a larger sum is to be expended. (Prior code § 4.05)

### **3.08.060 Contracts on purchases of one thousand dollars to ten thousand dollars.**

A village officer shall certify to the chairperson of the purchasing committee of the board of trustees all requisitions or purchase orders or proposed contracts in the sum of one thousand dollars (\$1,000.00) to ten thousand dollars (\$10,000.00) together with all necessary attachments thereto including written itemized statements, descriptions of transaction, quantity, and all other data and information relative to the transaction, contract, purchase or lease to properly enable the chairperson to approve or disapprove the request. The purchasing committee shall approve or disapprove the request and shall thereafter present the committee's recommendations thereon to the board for concurrence or disapproval or

### 3.08.070

such other action as may be required by law. Approval by the board of an expenditure, contract, lease or purchase shall empower the departmental head to enter into a contract to be executed by the president on behalf of the village or to make the purchase. The approval or authorization by the board may provide such other terms, conditions, directions, or restrictions as may be required by the board. (Ord. 2003-10 §§ 1a (part), 1b; prior code § 4.06)

#### **3.08.070      Contracts exempt from purchasing regulations.**

The provisions of this chapter shall not apply to local improvement contracts, special assessments or to purchases or contracts otherwise specifically provided for by the Illinois Revised Statutes. (Prior code § 4.07)

#### **3.08.080      Invalid purchase contracts.**

Any purchase or contract executed in violation of this chapter shall be null and void as to the village and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the village. (Prior code § 4.08)

## Chapter 3.12

### TAX RIGHTS AND RESPONSIBILITIES

#### Sections:

<b>3.12.010</b>	<b>Title.</b>
<b>3.12.020</b>	<b>Scope.</b>
<b>3.12.030</b>	<b>Definitions.</b>
<b>3.12.040</b>	<b>Notices.</b>
<b>3.12.050</b>	<b>Late payment.</b>
<b>3.12.060</b>	<b>Payment.</b>
<b>3.12.070</b>	<b>Certain credits and refunds.</b>
<b>3.12.080</b>	<b>Audit procedure.</b>
<b>3.12.090</b>	<b>Appeal.</b>
<b>3.12.100</b>	<b>Hearing.</b>
<b>3.12.110</b>	<b>Interest and penalties.</b>
<b>3.12.120</b>	<b>Abatement.</b>
<b>3.12.130</b>	<b>Installment contracts.</b>
<b>3.12.140</b>	<b>Statute of limitations.</b>
<b>3.12.150</b>	<b>Voluntary disclosure.</b>
<b>3.12.160</b>	<b>Publication of tax ordinances.</b>
<b>3.12.170</b>	<b>Liens—Review procedure.</b>
<b>3.12.180</b>	<b>Application.</b>

#### **3.12.010 Title.**

This chapter shall be known as, and may be cited as, the locally imposed and administered tax rights and responsibility ordinance. (Ord. 2001-1 § 1)

#### **3.12.020 Scope.**

The provisions of this chapter shall apply to the village's procedures in connection with all of the village's locally imposed and administered taxes. (Ord. 2001-1 § 2)

#### **3.12.030 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 authorities” 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 not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the village other than infrastructure maintenance fees.

“Local tax administrator,” the village clerk, 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 chapter to give full effect to this chapter. The exercise of such authority by the local tax administrator shall not be inconsistent with this chapter and the Act.

“Notice” means each audit notice, collection notice or other similar notice or communication in connection with each of the village’s locally imposed and administered taxes.

“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.

3.12.040

“Village” means the village of Onarga, Iroquois County, Illinois. (Ord. 2001-1 § 3)

**3.12.040 Notices.**

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven 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.

(Ord. 2001-1 § 4)

**3.12.050 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: (1) physically received by the village on or before the due date; or (2) 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. (Ord. 2001-1 § 5)

**3.12.060 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 application period; and (3) third to the penalty for the applicable period. (Ord. 2001-1 § 6)

**3.12.070 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 de-

clared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

B. The statute of limitations on a claim for credit or refund shall be four or less years after the end of the calendar year in which payment in error was made. The village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the village.

C. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

1. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

- a. The name of the locally imposed and administered tax subject to the claim;
- b. The tax period for the locally imposed and administered tax subject to the claim;
- c. The date of the tax payment subject to the claim and the canceled check or receipt for the payment;
- d. The taxpayer’s recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

e. A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any moneys to the village.

2. Within ten (10) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

- a. Grant the claim; or
- b. Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

3. In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of four percent per year, based on a year of three hundred sixty-five (365) days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit. (Ord. 2001-1 § 7)

### **3.12.080 Audit procedure.**

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this chapter.

A. Each notice of audit shall contain the following information:

1. The tax;
2. The time period of the audit; and
3. A brief description of the books and records to be made available for the auditor.

B. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.

C. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted no more than thirty (30) days from the date the notice is given unless the taxpayer and the local tax administrator agreed to some other convenient time. In the

event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

D. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the village.

E. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

F. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within thirty (30) days of the village's determination of the amount of overpayment.

G. In the event a tax payment was submitted to the incorrect local government entity, the local tax administrator shall notify the local governmental entity imposing such tax. (Ord. 2001-1 § 8)

### **3.12.090 Appeal.**

A. The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a no-

### 3.12.100

tice of claim reduction regarding any tax. The notice shall include the following information:

1. The reason for the assessment;
2. The amount of the tax liability proposed;
3. The procedure for appealing the assessment; and
4. The obligation of the village during the audit, appeal, refund and collection process.

B. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within forty-five (45) days of receipt of the written notice of the tax determination and assessment.

C. If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

D. If a written protest and petition for hearing is not filed within the forty-five (45) day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

E. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing

be reopened or extended for more than ninety (90) days after the expiration of the forty-five (45) day period. (Ord. 2001-1 § 9)

### **3.12.100 Hearing.**

A. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 3.12.090, 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. (Ord. 2001-1 § 10)

### **3.12.110 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 provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be ten (10) percent per year, based on a year of three hundred sixty-five (365) days and the number of days elapsed.

B. **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of five percent 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 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 (25) percent 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. (Ord. 2001-1 § 11)

**3.12.120 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. (Ord. 2001-1 § 12)

**3.12.130 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 install-

ment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer. (Ord. 2001-1 § 13)

**3.12.140 Statute of limitations.**

The village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

A. No determination of tax due and owing may be issued more than four years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

B. If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the village, the tax paid was less than seventy-five (75) percent of the tax due, the statute of limitations shall be six 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. (Ord. 2001-1 § 14)

**3.12.150 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 dis-

### 3.12.160

closure 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 per month, for all periods prior to the filing of the application but not more than four 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. (Ord. 2001-1 § 15)

### **3.12.160 Publication of tax ordinances.**

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The post 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. (Ord. 2001-1 § 16)

### **3.12.170 Liens—Review procedure.**

The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- A. Timely remove the lien at the village's expense;
- B. Correct the taxpayer's credit record; and
- C. Correct any public disclosure of the improperly imposed lien. (Ord. 2001-1 § 17)

### **3.12.180 Application.**

This chapter 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 chapter, this chapter shall be controlling. (Ord. 2001-1 § 18)



**Chapter 3.16**

**SIMPLIFIED MUNICIPAL  
TELECOMMUNICATIONS TAX**

**Sections:**

- 3.16.010 Tax imposed—Amount.**
- 3.16.020 Collection—Enforcement.**

**3.16.010 Tax imposed—Amount.**

A simplified municipal telecommunications tax is imposed upon the act or privilege of originating in the municipality or receiving in the municipality intrastate or interstate telecommunications by a person under the provisions of the Simplified Municipal Telecommunications Tax Act, P.A. 92-0526, at a rate of six percent of the gross charges for such telecommunications purchased at retail from a retailer. (Ord. 2002-8 § 1)

**3.16.020 Collection—Enforcement.**

The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this chapter. (Ord. 2002-8 § 2)



**Title 4**

**(RESERVED)**



## **Title 5**

### **BUSINESS LICENSES AND REGULATIONS**

#### **Chapters:**

- 5.04 Business Licenses Generally**
- 5.08 Amusement Devices**
- 5.12 Handbill Distributors**
- 5.16 Junk Dealers**
- 5.20 Liquor Licenses and Regulations**
- 5.24 Peddlers and Solicitors**
- 5.28 Raffles**
- 5.32 Miscellaneous Business Regulations**



## Chapter 5.04

### BUSINESS LICENSES GENERALLY

#### Sections:

- 5.04.010 Licenses or permits required.**
- 5.04.020 Application.**
- 5.04.030 Payment of fee.**
- 5.04.040 Bond and insurance.**
- 5.04.050 Approval or denial of licenses.**
- 5.04.060 Certificates.**
- 5.04.070 License and permit term.**
- 5.04.080 Exhibition of certificate.**
- 5.04.090 Transfer.**
- 5.04.100 Renewal.**
- 5.04.110 Revocation.**
- 5.04.120 Hearing.**
- 5.04.130 Inspections.**

**5.04.010 Licenses or permits required.**

No person shall engage in any trade, profession, business or privilege in the village for which a license or permit is required by any provision of this code without first obtaining such license or permit from the village in the manner provided in this chapter, unless otherwise specifically provided. (Prior code § 31.01)

**5.04.020 Application.**

Unless otherwise provided, application for a license or permit shall be made in writing to the village clerk, upon forms provided by the village and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit. (Prior code § 31.02)

**5.04.030 Payment of fee.**

The fees required for any license or permit shall be paid at the office of the village clerk before the granting of the license or permit. No fee paid shall be refunded unless the license or permit is denied. Where over half the license year has expired, the license fee for the remainder of the license year shall be one-half of the annual license fee. (Prior code § 31.03)

**5.04.040 Bond and insurance.**

All required bonds shall be executed by two sureties, or a surety company, and be subject to the approval of the village attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the village attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the village before the license or permit is issued. (Prior code § 31.04)

**5.04.050 Approval or denial of licenses.**

A. Where the approval of any village officer or state officer is required prior to the issuance of any license or permit, such approval must be presented to the village before any license or permit is issued.

B. No license or permit shall be approved by any village officer or issued by the village if it appears that the conduct of the activity for which a license or permit is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity. (Prior code § 31.05)

**5.04.060 Certificates.**

Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the village by the village presi-

5.04.070

dent, attested by the village clerk, and be impressed with the village seal. The village clerk shall keep a record of all licenses and permits issued. (Prior code § 31.06)

**5.04.070 License and permit term.**

A. Unless otherwise provided, the term of the license year shall end on May 1st of each year.

B. Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

C. Permits shall be issued for the term set forth in the permit. (Prior code § 31.07)

**5.04.080 Exhibition of certificate.**

Every licensee or permittee shall carry his or her license or permit certificate upon his or her person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his or her place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority. (Prior code § 31.08)

**5.04.090 Transfer.**

Unless otherwise provided, no license or permit shall be transferable or assignable. (Prior code § 31.09)

**5.04.100 Renewal.**

Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as

original licenses or permits. (Prior code § 31.10)

**5.04.110 Revocation.**

Any license or permit may be suspended or revoked by the village president or board of trustees for any of the following causes:

A. Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

B. Conviction of any crime or misdemeanor.

C. Conducting such activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the village, upon recommendation of the appropriate village official.

D. Expiration or cancellation of any required bond or insurance.

E. Actions unauthorized or beyond the scope of the license or permit granted.

F. Violation of any regulation or provision of this code applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable.

G. Failure to comply continuously with all conditions required as precedent to the approval of the license or permit. (Prior code § 31.11)

**5.04.120 Hearing.**

Any person aggrieved by the action of any village official in denying or revoking a license or permit shall have the right to a hearing before the board of trustees on any such action, provided a written request therefor is filed with the village clerk within ten (10) days after receipt of the notice of such suspension, revocation, or denial of reinstatement of



any such license or permit. The action taken by the board after a hearing shall be final. (Prior code § 31.12)

**5.04.130 Inspections.**

Village officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time. (Prior code § 31.13)

5.08.010

**Chapter 5.08**

**AMUSEMENT DEVICES**

**Sections:**

**5.08.010 General provisions.**

**5.08.010 General provisions.**

A. No person shall offer for public use any coin operated pin ball or video machine, bowling machine, pool machine, golf machine, target range, shooting gallery device, or other similar device within the corporate limits of the village without an annual license therefor for each such coin operated machine or other similar device issued under the authority of the village board of trustees. Such license or licenses shall be issued by the village clerk only when authorized by the village board of trustees.

B. All licenses granted under the provisions of this chapter shall expire on the last day of April of each calendar year and no rebate or refund shall be made in any sum or amount by reason of the discontinuance of the use of such machine or game by the licensee and such license shall be nonassignable by the licensee to any other person and shall apply only to the premises for which such license is issued, nor shall any license be issued for a fractional portion of one year.

C. For each such machine or game or similar device for which a license is granted, licensee shall pay a license fee of twenty-five dollars (\$25.00).

D. No licensee herein shall permit or allow any person under the age of sixteen (16) years to use or play any coin-operated machine or game licensed under this section on school days between the hours of nine a.m. and three p.m.

E. Any person violating any of the provisions of this chapter shall, upon conviction, be fined twenty-five dollars (\$25.00) for every offense thereof. For purposes of this chapter, each use by any person in subsections A or D of this section shall be deemed to be separate offenses. (Prior code § 12.09)

**Chapter 5.12**

**HANDBILL DISTRIBUTORS**

**Sections:**

**5.12.010 General regulations.**

**5.12.010 General regulations.**

A. Public Places. Distribution of commercial handbills is permitted in public places only to persons willing to accept them.

B. Private Property. No person shall place handbills on private property in such manner that they become a nuisance, or are blown about any private or public property. No person shall place handbills on any private property where owner or occupant has indicated that he or she does not wish to receive handbills. (Ord. 2003-25 § 1; Ord. 2003-24 § 1; prior code § 32.01(a), (b))

**Chapter 5.16**

**JUNK DEALERS**

**Sections:**

- 5.16.010**      **Definition.**
- 5.16.020**      **License required—  
Application—Fee.**
- 5.16.030**      **General regulations.**

**5.16.010**      **Definition.**

A “junk dealer” is any person who maintains a junk yard, or any yard or place where salvaged construction material, inoperable vehicles, or scrap paper or scrap metal is kept or dealt in; or any person who is engaged in the business of buying or selling junk, salvaged construction material, scrap paper, or scrap metal. (Prior code § 32.02(a))

**5.16.020**      **License required—  
Application—Fee.**

A. License Required. It is unlawful to operate or carry on the business of junk dealer or to keep any junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper or empty bottles, without having obtained a license therefor, as provided in this section.

B. Applications. Applications for such licenses shall be made in conformance with the provisions of Chapter 5.04.

C. Fee. The fee to be paid for such license shall be twenty-five dollars (\$25.00). (Ord. 2003-18 § 1; prior code § 12.10(a)—(c))

**5.16.030**      **General regulations.**

A. Fence Required. Any property where junk, salvaged construction material, inoperable vehicles, scrap paper or scrap metal is kept out of doors shall be enclosed by a solid fence not less than six feet in height. Gates

shall also be made of solid material which shall be kept closed when not used.

B. Dealing with Minors. A junk dealer shall not purchase or receive any property from a minor without the written consent of the minor’s parent or guardian.

C. Inspections. Every store or yard where junk is dealt in shall be subject to inspection by the police department. Inspection shall be made at reasonable hours.

D. Stolen Goods. Every junk dealer or peddler who shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen, or alleged to have been lost or stolen, shall upon demand to view or examine the same, forthwith produce such goods, articles or things to any member of the police department.

E. Loans. No junk dealer or junk peddler shall engage in pawnbroking, or loan any money on the security of any article or thing.

F. Destroying or Selling Goods. No junk dealer shall destroy, refashion, mutilate or resell any goods or article within two days after receiving such goods or article. (Prior code § 32.02(b)—(g))

## Chapter 5.20

LIQUOR LICENSES AND  
REGULATIONS

## Sections:

5.20.010	Definitions.
5.20.020	License required.
5.20.030	Application.
5.20.040	Restriction on licenses.
5.20.050	Term—Prorating fee.
5.20.060	Classification—Fees and number of licenses issued.
5.20.070	Installment payment of liquor license fees.
5.20.080	Premises.
5.20.090	Disposition of fees.
5.20.100	Public drinking.
5.20.110	Records.
5.20.120	Transfer of license.
5.20.130	Change of location.
5.20.140	Renewal of license.
5.20.150	Peddling.
5.20.160	Sanitary conditions.
5.20.170	Employees.
5.20.180	Location restrictions.
5.20.190	Stores selling school supplies, lunches, etc.
5.20.200	Closing hours—Sundays, election days.
5.20.210	View from the street.
5.20.220	Sale to minors.
5.20.230	Purchase or acceptance of gift of liquor by persons of non-age.
5.20.240	Employee restrictions (minor).
5.20.250	Sales to intoxicated persons and minors.
5.20.260	Enforcement.
5.20.270	Consent to transfer of license.

5.20.280	Revocation.
5.20.290	Minors inside liquor establishments.
5.20.300	Minors prohibited.
5.20.310	Security personnel.
5.20.320	Suspension of license.
5.20.330	Lingerie shows, dancing and contests.
5.20.340	Telephone service.
5.20.350	Violation—Penalty.

## 5.20.010 Definitions.

Terms used in this chapter mean as follows:

“Alcohol” means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

“Alcoholic liquor” includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent, or less of alcohol by volume. No tax provided for in Art. VIII of 235 ILCS 5 shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under provisions of the Illinois Liquor Control Act of 1934, 235 ILCS 5.

“Beer” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other

5.20.020

things. beer, ale, stout, lager beer, porter and the like.

“Club” means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors which conforms to the definition of a club, as provided by 235 ILCS 5/1-3.24.

“Manufacturer” means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for himself or herself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors.

“Retailer” means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

“Sale” means any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term “sale” includes any transfer of alcoholic liquor from a foreign importer’s license to an importing distributor’s license even if both licenses are held by the same person.

“Sell at retail” and “sale at retail” refer to and mean sales for use or consumption and not for resale in any form.

“Spirits” means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

“Wine” means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined. (Ord. 2003-26 § 1(a), (b); prior code § 33.01)

**5.20.020 License required.**

It is unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer’s license, or in violation of the terms of such license. (Prior code § 33.02)

**5.20.030 Application.**

Applications for such license shall be made to the local liquor commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit, and shall be addressed to the president and board of trustees, and shall further contain the following statements and information:

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

B. The citizenship of the applicant, his or her place of birth, and if a naturalized citizen, the time and place of his or her 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 the applicant has been in business of that character, or in the

case of a corporation, the date when 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 the license.

G. A statement whether applicant has made application for a similar or other license on premises other than described in the application, and the disposition of the application.

H. A statement that applicant will not allow gambling devices on the premises.

I. 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, the laws of this state, or of the United States of America, or the ordinances of the village.

J. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.

K. A statement that the applicant will not violate any of the laws of the state of Illinois, or of the United States, or any ordinance of the village in the conduct of his or her place of business.

L. A statement that he or she has not received or borrowed money or anything else of value, and that he or she will not receive or borrow money or anything else of value directly or indirectly from any manufacturer, importing distributor or distributor or representative of any of them except as may be provided by 235 ILCS 5. (Ord. 2003-28 § 1; prior code § 33.03)

#### **5.20.040 Restriction on licenses.**

A. No such license shall be issued to:

1. A person who is not a resident of Iroquois County, Illinois;

2. A person who is not of good character and reputation in the community in which he or she resides.

3. A person who is not an adult citizen of the United States;

4. A person who has been convicted of a felony under any federal or state law;

5. A person who has been convicted of being the keeper or is keeping a house of ill-fame;

6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

7. A person whose license under this chapter has been revoked for cause;

8. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

9. A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license;

10. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

11. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee;

12. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his or her bond to appear in court to answer charges for any such violation;

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13. 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;

14. Any law enforcing public official, any president or 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;

15. Any person, firm or corporation not eligible for a state retail liquor dealer's license;

16. A person who is not a beneficial owner of the business to be operated by the license;

17. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;

18. A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

B. Each person desiring a license under this chapter shall execute a penal bond in form and with security satisfactory to the president and board of trustees, conditioned upon the faithful observance of the provisions of the laws of the state of Illinois, and of this code. The bond shall be in the penal sum of one thousand dollars (\$1,000.00) and shall, upon approval, be filed with the village clerk. (Ord. 2003-27 § 1; prior code § 33.04)

**5.20.050 Term—Prorating fee.**

A retailer liquor dealer's license shall terminate on April 30th next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. (Prior code § 33.05)

**5.20.060 Classification—Fees and number of licenses issued.**

A. Liquor licenses are divided into the following classes:

1. Class A licenses, which shall authorize the retail sale on the premises specified of all alcoholic liquor including beer and wine, for consumption on or off the premises. The annual fee for such licenses shall be seven hundred dollars (\$700.00).

2. Class B licenses, which shall authorize the retail sale on the premises specified of all alcoholic liquor beer and wine, for consumption off the licensed premises only. The annual fee for such licenses shall be seven hundred dollars (\$700.00).

3. Class C licenses, which shall authorize the retail sale on the premises specified of all alcoholic liquors including beer and wine for consumption on the licensed premises only, but the licensee shall not be permitted to have a bar nor shall the licensee be permitted to have any live entertainment of the kind and character which would require an admission tax to be paid to the Internal Revenue Service. The annual fee for such licenses shall be seven hundred dollars (\$700.00).

4. Class D licenses, which shall authorize the retail sale on the premises specified of beer and wine only, but only for consumption off licensed premises. The annual fee for such licenses shall be five hundred dollars (\$500.00).

5. Class G licenses, which shall authorize the retail sale on the premises specified of beer and wine only, and only for consumption on the licensed premises and only during the twenty-four (24) hour period indicated on the face of the license. The special fee for such license shall be fifty dollars (\$50.00). A Class G license shall be valid only for twenty-four (24) hours and the issuing authority is directed



to indicate the twenty-four (24) hour period on the face of the license during which such sale of alcohol shall be valid by the licensee. The holder of such Class G license shall be subject to the same closing hours as may be indicated for other license holders under this liquor code. The holder of such license shall not permit the sale of any alcoholic liquor except between the hours permitted by the twenty-four (24) hour license defined above and except as may be allowed by the closing hour time limits defined in this code.

B. A club shall be an organization referenced in Section 501(c) of the United States Internal Revenue Code as amended.

C. No more than two licenses shall be issued and outstanding at any one time for license Class A above, except that no more than three licenses shall be issued and outstanding at any one time for license Class A above on the effective date of the ordinance codified in this section, until such time as any of such licenses shall be revoked for cause, voluntarily surrendered by the licensee, not reapplied for by a licensee, or not reissued by the liquor commissioner in the course of administration of his or her duties, after which time no more than two licenses shall be issued and outstanding at any time henceforth for license Class A above. No more than two licenses shall be issued and outstanding at any one time for each license Class B. No more than one license shall be issued and outstanding at any one time for each license class C and G, and no more than two licenses for license Class D. (Ord. 02-09 § 1; Ord. 02-04 § 1; Ord. 96-6 § 1; Ord. 6/7/94 § 1; Ord. 90-2 § 1; Ord. 85-5 § 1; prior code § 33.06) (Ord. No. 2012-1, §§ 1, 2, 1-9-12)

**5.20.070      Installment payment of liquor license fees.**

In case of annual liquor license fees which equal or exceed two hundred dollars

(\$200.00) where the licensee is renewing a prior and existing license and where the licensee is experiencing financial hardship in his or her tavern business, the licensee may, in writing, make application to the local liquor commissioner for the payment of his or her license fee in installments, provided that the licensee in writing agrees to pay a surcharge of twenty (20) percent of the license fee and in writing agrees to surrender on demand the liquor license should the licensee make default in the payment of any of the installments of the license fee, when due. (Ord. 85-5 § 2; prior code § 33.31 (part))

**5.20.080      Premises.**

Except in the case of 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 use by the public. This provision does not prohibit any connection between such premises and such other portion of the building or structure which is used only by the licensee, his or her family and personal guests. (Prior code § 33.07)

**5.20.090      Disposition of fees.**

All license fees shall be paid to the local liquor control commissioner 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, the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the board of trustees by proper action. (Prior code § 33.08)

**5.20.100      Public drinking.**

No person shall consume alcoholic liquor in, upon, or at any sidewalk, street,

alley, park, swimming pool, fire station, water treatment plant, parking lot, water tower, school, library, Village Hall, or other public property belonging to the village or any other unit of local government, within the village; or permit any open bottle, container or utensil containing alcoholic liquor to be located in, upon, or at any such property. (Prior code § 33.09)

**5.20.110 Records.**

The local liquor control commissioner shall keep a complete record of all such licenses issued by him or her, and shall furnish the village clerk and treasurer each with a copy thereof. Upon the issuance of any new license, or the revocation of any old license, the local liquor control commissioner shall give written notice of such action to each of these officers within forty-eight (48) hours of such action. (Prior code § 33.10)

**5.20.120 Transfer of license.**

A liquor license shall be a purely personal privilege good for not to exceed one year after issuance unless sooner revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, except as provided in Section 5.20.270, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt 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 or insolvent or bankrupt licensee

after the death of such decedent or such insolvency of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section. (Prior code § 33.11)

**5.20.130 Change of location.**

A liquor 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 the written permit of the village president. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter. (Prior code § 33.12)

**5.20.140 Renewal of license.**

Any licensee may renew his or her liquor license at the expiration thereof, provided that he or she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the village. (Prior code § 33.13)

**5.20.150 Peddling.**

It is unlawful to peddle alcoholic liquor in the village. (Prior code § 33.14)

**5.20.160 Sanitary conditions.**

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance

with the laws or ordinances regulating the condition of premises used for the storage or sale of food for human consumption. (Prior code § 33.15)

**5.20.170 Employees.**

It is unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious, or venereal disease; and it is unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparing, or distribution of such liquor. (Prior code § 33.16)

**5.20.180 Location restrictions.**

No liquor license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons; provided that this prohibition shall not apply to regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the effective date of this code. No person shall after such date, engage in the business as a retailer of any alcoholic liquor within one hundred (100) feet of any undertaking establishment or mortuary. (Prior code § 33.17)

**5.20.190 Stores selling school supplies, lunches, etc.**

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted

consists of school books, school supplies, food, lunches, or drinks for such minors. (Prior code § 33.18)

**5.20.200 Closing hours—Sundays, election days.**

A. It is unlawful to sell or offer for sale any alcoholic liquor in the village between one a.m. and twelve noon on Sundays or prior to six a.m. on Mondays. On all other days of the week it is unlawful to sell or offer for sale any alcoholic liquor between one a.m. and six a.m.

B. It is unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in case of restaurants and clubs, such establishments may be kept open for business during such hours, but no alcoholic liquor may be sold to, or consumed by, the public during such hours. (Ord. 2003-29 § 1; Ord. 98-5 § 1; prior code § 33.19)

**5.20.210 View from the street.**

In premises upon which the sale of alcoholic liquor for consumption on the first floor or street level of the premises is licensed, other than a restaurant or club, 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

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clear view of the entire interior of such premises from the street, road, or sidewalk; in premises upon which the sale of alcoholic liquor for consumption upon other than the first floor or street level of the premises is licensed, other than as a restaurant or club, the entrance doors shall in no way be obstructed so as to prevent a full view of the interior of the premises at all times, and the lighting within the premises shall be sufficient so as to permit a clear view of, and into the premises. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light 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 wilfully obscured by the licensee or by him or her wilfully permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the liquor commissioner shall have the right to require the filing with him or her of plans, drawings, and photographs showing the clearance of the view as above required. (Prior code § 33.20)

**5.20.220 Sale to minors.**

A. It is 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.

B. It is unlawful for any minor in subsection A of this section 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.

C. 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 five hundred dollars (\$500.00) under Chapter 5.20 of the Village of Onarga Municipal Code, Onarga, Illinois, if you purchase or obtain alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

D. 1. It is unlawful for any holder of a retail liquor dealer's license, or his or her 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 subsection 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 services or commodities other than alcoholic liquor.

2. In addition to all other fines and penalties, the village president may suspend or revoke the retail liquor dealer's license for any violation of this subsection.

E. It is unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian, to violate any of the provisions of this section.

F. It is unlawful to sell, give, or deliver alcoholic liquor to any minor. (Amended during 2003 codification; Ord. 2003-30 § 1 (part); prior code § 33.21)

**5.20.230 Purchase or acceptance of gift of liquor by persons of non-age.**

A. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his or her possession.

B. If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he or she 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 or her official duties.

C. 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. The consumption of alcoholic liquor by any person under twenty-one (21) years of age is forbidden.

D. The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this chapter.

E. Whoever violates any provision of this section shall, upon conviction, be fined five hundred dollars (\$500.00). (Ord. 2003-30 § 1 (part); prior code § 33.22)

**5.20.240 Employee restrictions (minor).**

A. It is unlawful for any minor to draw, pour, or mix any alcoholic liquor as an employee of any retail licensee; and no minor shall at any time attend any bar or draw, pour, mix, or sell any alcoholic liquor for consumption on or off the premises, in any licensed retail premises.

B. It is unlawful for any licensee under this chapter to suffer or permit any minor in subsection A of this section to draw, pour, mix or sell any alcoholic liquor for consumption on or off the premises, in any licensed retail premises. (Prior code § 33.23)

**5.20.250 Sales to intoxicated persons and minors.**

No licensees under this chapter shall sell alcoholic liquor to any intoxicated person or persons under the age of twenty-one (21) years. (Ord. 2003-31 § 1: prior code § 33.24)

**5.20.260 Enforcement.**

A. Any law enforcing officer may enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter, or whether any of the rules or regulations adopted by the president and board of trustees or by the state of Illinois have been or are being violated, and at such time may examine the premises of the licensee in connection therewith. Any law enforcing officer may receive complaint from any citizen within the jurisdiction of the village that any of the provisions of this chapter or any rules or regulations adopted pursuant hereto have been or are being violated, and may act upon such complaints in the manner provided.

B. The liquor control commissioner shall have the authority by and with the consent and approval of the board of trustees, to make and

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establish rules and regulations of procedure concerning notice of hearing and all such matters as may be from time to time necessary.

C. The president shall be the liquor control commissioner.

D. The village president, as liquor control commissioner, in addition to any other authority he or she may have, shall have the authority to suspend any liquor license granted herein as provided by state law and shall further have the authority to impose a fine of not more than five hundred dollars (\$500.00) per day to be paid in lieu of such suspensions. (Ord. 99-5 § 1; prior code § 33.25)

**5.20.270 Consent to transfer of license.**

Any licensee desiring to transfer a license in good standing may be permitted so to do upon the specific approval of the president and board of trustees, provided however that the proposed transferee shall make application for transfer and be bound by this chapter as though he or she were the original applicant for such license and shall, in addition thereto, pay a transfer fee in the amount of fifty dollars (\$50.00) to the liquor control commissioner at the time of submission of his or her application. The transfer of a license shall in no way affect the annual termination date for the license issued hereunder. (Prior code § 33.26)

**5.20.280 Revocation.**

The local liquor control commissioner may revoke any retail liquor dealer's license for any violation of any provision of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor, or any applicable rule or regulation established by the State Liquor Control Commission which is not inconsistent with law. (Prior code § 33.27)

**5.20.290 Minors inside liquor establishments.**

No person under age eighteen (18) shall enter or remain inside any establishment licensed under this chapter to sell alcoholic beverages for consumption on the premises, unless such person is accompanied by his or her parent or legal guardian. (Prior code § 33.29)

**5.20.300 Minors prohibited.**

A. It is unlawful for the owner, operator or manager of any establishment selling liquor, beer, wine or other alcoholic beverages within the village to allow any person under the age of twenty-one (21) to be present on the premises after ten p.m.

B. The provisions of subsection A of this section shall not apply in establishments in Onarga selling liquor, beer, wine or other alcoholic beverages for consumption of the beverages off the premises.

C. The provisions of subsection A of this section shall not apply in establishments in Onarga selling liquor, beer, wine or other alcoholic beverages for consumption of the beverages on the premises within any area on the premises in which the possession of liquor, beer, wine or other alcoholic beverages is prohibited. In complying with this subsection, the owner, operator or manager of the establishment may either:

1. Designate an area of the premises where the possession of liquor, beer, wine or other alcoholic beverages is prohibited; or

2. Restrict the possession of liquor, beer, wine or other alcoholic beverages to a specific area of the premises. (Ord. 96-7 § 1; Ord. 96-4 § 1 (part); prior code § 33.30)

**5.20.310 Security personnel.**

It is unlawful for the owner, operator or manager of any establishment selling liquor, beer, wine or other alcoholic beverages within the village to fail to have an adequate number and quality of security personnel at the premises to handle anticipated disturbances. Such personnel must be acceptable to the chief of police of the village. Among the factors for determining whether the personnel are adequate shall be:

- A. The quality, skill, and number of security personnel;
- B. The number of anticipated patrons;
- C. The frequency and severity of prior disturbances;
- D. The events anticipated at the premises, including the type of patrons to which they are marketed. (Ord. 96-4 § 1 (part); prior code § 33.31 (part))

**5.20.320 Suspension of license.**

A. In addition to powers granted under state law, the liquor control commissioner of the village shall have the power to suspend a license for up to seven consecutive days for any violations of this chapter or if he or she believes such suspension is necessary to prevent excessive disturbances within the community. Among the factors which the liquor control commissioner may consider in ordering such a suspension are:

- 1. If the local police have been called to the premises two or more times within the preceding sixty (60) days;
- 2. The number of police who have responded to such calls;
- 3. The response of the patrons to the presence of the police;
- 4. The cooperation of the manager or the operator of the premises with the police, in-

cluding whether the manager or operator initiated the call to the police;

5. The severity of injuries sustained by any patrons, employees, owner, or police officers;

6. Whether the police noticed the violation of any other part of any ordinances of Onarga and the extent of such violation.

B. The owner, manager, or operator may request a formal hearing upon receipt of notice of such suspension and no suspension thereafter shall be effective until a hearing is held. (Ord. 96-4 § 1 (part); prior code § 33.32 (part))

**5.20.330 Lingerie shows, dancing and contests.**

The following are prohibited at any establishment licensed to sell beer, liquor, or wine within the village: lingerie shows; male or female dancing; wet T-shirt contests; or any other event where persons other than the normal public patrons perform any act or demonstration in which they are at any time not attired in normal street clothing. (Ord. 97-6 § 1: prior code § 33.31 (part))

**5.20.340 Telephone service.**

All licensees must have a working telephone at the premises at all times for use by the employees when the establishment is being used for any purpose. (Ord. 98-3 § 1: prior code § 33.32 (part))

**5.20.350 Violation—Penalty.**

A. Whenever any licensee shall have been convicted by any court of a wilful violation of any provision of this chapter, or of the state law, he or she shall, in addition to the penalties for such offense, incur a forfeiture of his or her local license and all moneys that have been paid therefor. The local liquor control

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commissioner shall thereupon revoke his or her license.

B. Any person violating any provisions of this chapter shall upon conviction, be fined five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 2003-30 § 1 (part); prior code § 33.28)



## Chapter 5.24

### PEDDLERS AND SOLICITORS

#### Sections:

- 5.24.010 Peddlers—Licensing.**  
**5.24.020 Selling on streets.**  
**5.24.030 Solicitor's certificates.**

#### 5.24.010 Peddlers—Licensing.

A. Application. An applicant for a peddler's license shall provide the village clerk with the following information:

1. Name and address of applicant for past five years;
2. Description of business and products to be sold;
3. Name and address of employer, if any;
4. A recent photograph of applicant, and his or her fingerprints, unless waived by the clerk;
5. Names and addresses of three persons who can give responsive statement as to character and responsibility of applicant;
6. The nature of any crimes or convictions for violations of municipal ordinances of the applicant within the past five years;
7. Such other information as village clerk may deem material.

B. Investigation. The village clerk shall investigate the character and responsibility of the applicant. If found good, a peddler's license shall be issued; otherwise denied. License shall be granted or denied by the clerk within ten (10) days from date of application. Persons aggrieved by action of the clerk may appeal to the board of trustees.

C. Exceptions. Any person may sell the produce of his or her own farm or garden without a peddler's license. (Prior code § 32.04)

#### 5.24.020 Selling on streets.

No person shall sell or offer for sale any goods, wares or merchandise on any streets, sidewalks or other public property, unless by permit authorized by the board of trustees under such conditions as the board may impose. (Prior code § 32.05)

#### 5.24.030 Solicitor's certificates.

A. It is unlawful for any solicitor, salesperson or canvasser to call from home to home in the village or to contact private homes within the village by telephone without first registering and obtaining a registration certificate from the village. Such registration shall be on forms provided by the village and shall give the solicitor's identification, signature, name of his or her employer, the nature of the products or service in which he or she is interested and the name of the manufacturer of such products and his or her proposed method of operation in the village.

B. No certificate of registration shall issue to any person not of good moral character or to any person previously convicted of a felony. If the registrant has not been convicted of a felony and if he or she is not found to be a person not of good moral character, the certificate shall issue within forty-eight (48) hours of registration.

C. Each solicitor shall at all times while soliciting or canvassing within the village carry upon his or her person the registration certificate required and shall exhibit the same upon request of any police officer or to any person upon whom he or she calls in the course of his or her business. Any solicitor, salesperson or canvasser contacting persons in private homes by telephone shall state the place from which he or she is telephoning if requested so to do.

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D. A registration certificate shall be valid for fifteen (15) days from date of issuance. (Prior code § 32.06)

**Chapter 5.28****RAFFLES****Sections:**

- 5.28.010**     **Definitions.**  
**5.28.020**     **Licensing.**  
**5.28.030**     **License—Application—  
Issuance—Restrictions—  
Persons ineligible.**  
**5.28.040**     **Conduct of raffles.**  
**5.28.050**     **Raffles—Manager—  
Bond.**  
**5.28.060**     **Records.**  
**5.28.070**     **Limitation.**

**5.28.010**     **Definitions.**

For the purposes of this chapter the terms defined have the meanings given them.

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

“Raffle” means a form of lottery, as defined in Section 28-2(b) of the Illinois Criminal Code of 1961, conducted by an organization licensed under this chapter in which:

1. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest. (Prior code § 32.07.01)

**5.28.020**     **Licensing.**

A. Pursuant to Illinois Revised Statutes 1981, Chapter 85, Section 2302, there is established in this village until January 1, 1983, a system for the licensing of organizations to operate raffles under the following limitations:

1. The aggregate retail value of all prizes on merchandise awarded by a licensee in a single raffle is twenty thousand dollars (\$20,000.00);
2. The maximum retail value of each prize awarded by a licensee in a single raffle is twelve thousand dollars (\$12,000.00);
3. The maximum price which may be charged for each raffle chance issued or sold is one thousand dollars (\$1,000.00);
4. The maximum number of days during which chances may be issued or sold is one hundred eighty (180);
5. No fee shall be charged any license applicant for issuance of a license;
6. Each license shall be valid only for one raffle and may be suspended or revoked for any violation of this section upon determination by the village president and after three days notice to the licensee and an opportunity to be heard at a hearing of the village board in special meeting;
7. The village clerk shall act within thirty (30) days following receipt of a license application to grant or deny issuance of a raffle license based on license issuance criteria set forth in this section;
8. Each license shall be valid for sale of raffle chances only within the borders of the village.

B. 1. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a pe-

riod of five years immediately before making application for a license and which have had during that entire five-year period a bona fide membership engaged in carrying out their objects.

2. For purposes of this section, the following definitions apply:

“Charitable” means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

“Educational” means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

“Fraternal” means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

“Labor” means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

“Nonprofit” means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

“Religious” means any church, congregation, society, or organization founded for the purpose of religious worship.

“Veterans” means an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. (Prior code § 32.07.02)

**5.28.030 License—Application—  
Issuance—Restrictions—  
Persons ineligible.**

Licenses issued by the village clerk are subject to the following restrictions:

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

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

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

D. The application for license shall be prepared in accordance of the local governmental unit’s ordinance on raffles.

E. A license authorizes the licensee to conduct raffles as defined in this chapter. Each such license is valid for one raffle.

The following are ineligible for any license under this section:

1. Any person who has been convicted of a felony;

2. Any person who is or has been a professional gambler or gambling promoter;
3. Any person who is not of good moral character;
4. Any firm or corporation in which a person defined in subsections (E)(1) through (3) of this section has a proprietary, equitable or credit interest, or in which such a person is active or employed;
5. Any organization in which a person defined in subsections (E)(1) through (3) of this section is an officer, director, or employee, whether compensated or not;
6. Any organization in which a person defined in subsections (E)(1) through (3) of this section is to participate in the management or operation of a raffle as defined in this chapter. (Prior code § 32.07.03)

#### **5.28.040 Conduct of raffles.**

The conducting of raffles is subject to the following restrictions:

- A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- B. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- C. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- D. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this section.
- E. Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.
- F. No person under the age of eighteen (18) years may participate in the conducting

of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his or her parent or guardian. (Prior code § 32.07.04)

#### **5.28.050 Raffles—Manager—Bond.**

All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the licensing authority in favor of the organization conditioned upon his or her honesty in the performance of his or her duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than thirty (30) days prior to its cancellation. The governing body of a local unit of government may waive this bond requirement by including a waiver provision in the license issued to an organization under this section, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization. (Prior code § 32.07.05)

#### **5.28.060 Records.**

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

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

C. Each organization licensed to conduct raffles shall report promptly to its membership, and to the licensing local unit of government, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in the section, said report to be made at conclusion of each raffle.

D. Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places. (Prior code § 32.07.06)

**5.28.070      Limitation.**

Nothing in this chapter shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein. (Prior code § 32.07.07)

**Chapter 5.32**

**MISCELLANEOUS BUSINESS REGULATIONS**

**Sections:**

- 5.32.010 Cable television systems.**
- 5.32.020 Mobile home licenses—Fees.**
- 5.32.030 Mobile home parks—Owner/operator regulations.**
- 5.32.040 Video gaming devices.**
- 5.32.050 Pawnbrokers.**

**5.32.010 Cable television systems.**

The village adopts all present and future regulations of the FCC as the regulations of the village for the purpose of regulating the rates of cable television systems which operate within the legal jurisdiction of the village; and henceforth the village shall follow the regulations of the FCC in regulating the rates of cable television systems which operate within the legal jurisdiction of the village. (Ord. 94-1 § 1)

**5.32.020 Mobile home licenses—Fees.**

A. As used herein, “person” also includes any corporation, partnership, or other business organization which owns such trailers, it being the purpose of this definition to prohibit an owner from avoiding the license fee by establishing trailer ownership which, while technically not by the same person, is a part of an affiliated group for purposes of ownership.

B. 1. Each person who owns, rents, and or resides in a mobile home within the village shall pay an annual license fee of four hundred dollars (\$400.00).

2. The fee shall be two hundred dollars (\$200.00) if owned and resided in by a senior

citizen sixty-five (65) years of age or older, and the residence has no occupants under sixty-five (65).

3. Such fees shall be due annually on May 1st of each year.

C. This license fee shall be due immediately before inhabitation is allowed for any new mobile home being relocated anywhere within the village limits.

D. Penalty for nonpayment of license fee when due shall be ten dollars (\$10.00) per day per trailer, plus reasonable court cost and attorney fees incurred by the village in enforcing collection of the license fee. (Ord. 2001-9 § 1: prior code § 31.16)

**5.32.030 Mobile home parks—Owner/operator regulations.**

A. All mobile home park owners/operators must obtain a license at a cost of one hundred dollars (\$100.00) per year.

B. All mobile home park owners/operators must make prompt payment of water billings and other charges to the village in order to obtain and maintain such license. (Ord. 97-11 § 1: prior code § 31.15)

**5.32.040 Video gaming devices.**

It is unlawful to maintain or expose for public use any video gaming device operated with a slug, coin, or paper money, or for which any fee is otherwise charged, without having first obtained a license therefor. The annual license fee for such a device shall be one hundred dollars (\$100.00) per year per machine. As used in this section, a “video gaming device” is any machine, computer, or other display system by which a person plays any card game, roulette, dice, or any other game of chance which is often played with actual cards, dice, roulette wheel, or other-

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wise, at a legal casino. (Ord. 96-12 § 1; prior code § 31.14)

**5.32.050 Pawnbrokers.**

No pawnbroker in the village shall violate the provisions of Chapter 107-1/2 of the Illinois Revised Statutes, which provisions are adopted by reference and made a part of this section. (Prior code § 32.03)



**Title 6**

**ANIMALS**

**Chapters:**

**6.04 Dogs and Cats**



## Chapter 6.04

### DOGS AND CATS

#### Sections:

- 6.04.010**      **Definitions.**
- 6.04.020**      **Running at large prohibited.**
- 6.04.030**      **Liability—Penalty.**
- 6.04.040**      **Impoundment.**
- 6.04.050**      **Recovery fee.**

#### **6.04.010**      **Definitions.**

A. The word “dogs” as used in this chapter includes all animals, male and female, of the family Canidae; the word “cats” as used in this chapter includes all animals, male and female, of the family Felidae.

B. The words “owner” or “keeper” include any person who shall harbor, suffer or permit any dog or cat to remain on any premises within the village under his or her control or charge. (Prior code § 14.01)

#### **6.04.020**      **Running at large prohibited.**

It is unlawful for any vicious, ferocious or dangerous dog or cat, or dog or cat sick with or liable to communicate hydrophobia or any contagious or infectious disease, or any dog or cat which may in any manner unduly disturb the quiet of any person or neighborhood within the village, or which shall bite any person or injure any person, to run at large in the streets, alleys or public places in the village, or upon the private premises of any person other than the owner or keeper thereof, or any other place in the village, or to unduly disturb the quiet of any person or neighborhood in the village. The running at large of any such dog or cat in any such places in the village, or any such disturbance in the village, is declared to be a nuisance. The mayor, or any trustee of

the village, or any person designated by the mayor, is authorized, and it shall be the duty of such person, from time to time, to abate the nuisance by destroying or killing any such dog or cat, or by restraining and impounding such dog or cat in the manner herein provided. (Prior code § 14.02)

#### **6.04.030**      **Liability—Penalty.**

It is unlawful for any person to suffer or permit any vicious, ferocious or dangerous dog or cat, or dog or cat sick with or liable to communicate hydrophobia or any contagious or infectious disease, or any dog or cat which may in any manner unduly disturb the quiet of any person or neighborhood within the village, or which shall bite any person or injure any person, to run at large in the streets, alleys or public places in the village, or upon the private premises of any person other than the owner or keeper thereof, or any other place in the village, or to unduly disturb the quiet of any person or neighborhood in the village. Any person convicted of violating this section shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). For purposes of this section, each day of violation shall be considered to be a separate offense. (Prior code § 14.03)

#### **6.04.040**      **Impoundment.**

All dogs or cats in violation of this chapter which are not killed or destroyed under the provisions thereof shall be subject to the provisions of the Animal Control Act, 510 ILCS 5/1. (Ord. 2003-21: prior code § 14.04)

#### **6.04.050**      **Recovery fee.**

At any time within forty-eight (48) hours after notice to the owner or keeper has been given, the owner or keeper may have the right

6.04.050

to recover the possession of such dog or cat, if it will not jeopardize the public health or safety, by the payment to the village clerk of twenty-five dollars (\$25.00) for first recovery, fifty dollars (\$50.00) for second recovery, and seventy-five dollars (\$75.00) for each recovery thereafter of the same animal. (Ord. 2003-22 § 1; prior code § 14.05)

**Title 7**

**(RESERVED)**



## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

- 8.04 Health Officer and Board of Health**
- 8.08 Abandoned Vehicles**
- 8.12 Fire Safety Regulations**
- 8.16 Garbage and Refuse**
- 8.20 Noxious Weeds**
- 8.24 Nuisances Generally**
- 8.28 Nuisances Affecting Property Values**
- 8.32 Outdoor Storage of Junk**
- 8.36 Storage of Mobile Homes, Trailers and Boats**
- 8.40 Abating Chronic Nuisance Properties**





## Chapter 8.04

### HEALTH OFFICER AND BOARD OF HEALTH

#### Sections:

- 8.04.010 Health officer.**  
**8.04.020 Board of health.**

#### **8.04.010 Health officer.**

A. Creation of Position. There is created the position of health officer, who shall be appointed by the president, by and with the advice and consent of the board of trustees.

B. Duties. The health officer shall be an enforcing officer for the board of health, and shall act to enforce all rules and regulations of the board of health. He or she shall examine into all cases of contagious disease arising in the village, and shall act to enforce the quarantine rules and determine the time for raising quarantine. He or she shall provide the board of trustees with information and advice concerning health conditions in the village, and shall perform such other duties as may be prescribed by the president and board of trustees.

C. Analysis and Inspection. The health officer shall make analysis of any food or drink alleged to be tainted, contaminated or unwholesome, and shall analyze the drinking water of the village whenever requested so to do by the president and board of trustees. He or she shall make or cause to be made such other tests, analyses, and inspections as may be necessary to preserve and protect the general health and welfare of the citizens of the village, and as may be required for the proper enforcement of all ordinances and regulations relating to the sale or storage of food and drink intended for human consumption and

relating in any manner to the public health. (Ord. 2003-13 § 1; prior code § 11.01)

#### **8.04.020 Board of health.**

A. Creation of Board. There is created a board of health for the village, which shall consist of all members of the board of trustees, and the health officer. The president, by and with the advice and consent of the board of trustees, shall appoint the members of the board of health, and shall designate one of such members as chairperson thereof.

B. Duties. It shall be the duty of the board of health to enforce all laws and ordinances which relate to public health. The board of health shall formulate and adopt all necessary and reasonable rules and regulations for the protection of the general health of the citizens of the village in order to accomplish the following: to guard against the spread of contagious diseases; to prevent the induction of diseases, contagious and otherwise, within the corporate limits of the village; to establish and regulate quarantine and vaccination for prevention and spread of contagious diseases; to quarantine premises where such contagious diseases occur, for such time as may be necessary for the protection of the public; and to enforce and prevent persons from entering or leaving premises where such contagious diseases occur; and to post notice on such premises indicating the nature of such disease and the existence of such quarantine. The board of health shall also perform such other duties as may be prescribed from time to time by the president and board of trustees, or as may be required by law or by ordinance.

C. Penalty. Any person, firm or corporation violating any provision of this section, or violating or refusing to obey any lawful order of the health officer or of the board of health, or destroying, mutilating or concealing any

8.04.020

notice lawfully posted by or under the authority of the health officer or board of health, upon conviction thereof shall be fined five hundred dollars (\$500.00). (Ord. 2003-14 § 1; prior code § 11.02)

## Chapter 8.08

### ABANDONED VEHICLES

#### Sections:

- 8.08.010**      **Definitions.**
- 8.08.020**      **Abandonment of vehicles.**
- 8.08.030**      **Leaving of wrecked, nonoperating vehicles on street.**
- 8.08.040**      **Inoperable vehicles declared nuisance.**
- 8.08.050**      **Disposal of inoperable vehicles.**
- 8.08.060**      **Impounding.**
- 8.08.070**      **Nuisance—Abatement.**
- 8.08.080**      **Violation—Penalty.**

#### **8.08.010**      **Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Abandoned vehicle” means any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. “Abandoned vehicle” is one in a state of disrepair rendering the vehicle incapable of being driven in its condition, or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted. Any vehicle which fails to display a current license and registration sticker is presumed to be abandoned within the meaning of this definition.

“Inoperable motor vehicle” means any motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own power.

“Inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations nor to any motor vehicles that are kept within a building when not in use, to operable historic vehicles over twenty-five (25) years of age, or to a motor vehicle on the premises of a place of business lawfully engaged in wrecking or junking of motor vehicles. Ordinary service or repair operations must be finished and are presumed concluded within thirty (30) days following any placement, storage or parking of such vehicle.

“Person” means a person, firm, partnership, association, corporation, company, or organization of any kind.

“Property” means any real property within the village which is not a street or highway.

“Street or highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

“Vehicle” means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (Ord. 93-2 § 1; Ord. 5/2/88 § 1; Ord. 83-12 § 12.40)

#### **8.08.020**      **Abandonment of vehicles.**

No person shall abandon any vehicle within the village and no person shall leave any vehicle at any place within the village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (Ord. 83-12 § 12.41)

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**8.08.030 Leaving of wrecked, nonoperating vehicles on street.**

No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway or other public way in the village. (Ord. 83-12 § 12.42)

**8.08.040 Inoperable vehicles declared nuisance.**

Inoperable motor vehicles, as defined herein, whether on public or private property, are declared to be a nuisance. (Ord. 83-12 § 12.43)

**8.08.050 Disposal of inoperable vehicles.**

All persons are required to dispose of any inoperable motor vehicles under their control upon written notice received from the corporate authorities or from the chief of police or any member of the department designated by the chief commanding such disposition of the inoperable motor vehicle. Such written notice received from the corporate authorities or from the chief of police shall state that such persons having motor vehicles under their control shall dispose of the particular inoperable motor vehicle under citation, and the local law enforcement agency, the police department, shall be authorized to remove, after seven days from the issuance of the municipal written notice, the particular inoperable motor vehicle or parts thereof under the citation or notice. (Ord. 5/2/88 § 2: Ord. 83-12 § 12.44)

**8.08.060 Impounding.**

The chief of police or any member of the department designated by the chief is authorized to remove or have removed any vehicle left at any place within the village which reasonably appears to be in violation of this

chapter or which reasonably appears to be lost, stolen or unclaimed, or which is an inoperable vehicle as defined herein. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with 65 ILCS 5/11-40-3 and Art. II of 625 ILCS 5/4. The police authorities of the village are authorized to obtain the assistance of state and county police officials in impounding and disposal of vehicles pursuant to this section. (Ord. 2003-17 § 1; Ord. 5/2/88 § 3: Ord. 83-12 § 12.45)

**8.08.070 Nuisance—Abatement.**

All inoperable motor vehicles and all abandoned vehicles, which shall remain anywhere in the village in violation of this chapter, whether on public or private property, are declared to be a nuisance, and such nuisance shall be subject to abatement, the same as any other nuisance. (Ord. 83-12 § 12.46)

**8.08.080 Violation—Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day that the violation continues shall be considered to be a separate offense. (Ord. 83-12 § 12.49)

**Chapter 8.12****FIRE SAFETY REGULATIONS****Sections:****8.12.010 Fires regulated.****8.12.020 Burning trash.****8.12.030 Violation—Penalty.****8.12.010 Fires regulated.**

It is unlawful for any person to wilfully or negligently make, use or leave any fire, or deposit or leave any ashes, or other combustible or inflammable material, liquid or substance; or use or leave any lighted fire, lamp, gas or electric light at such time or in such manner as to endanger any building or other property, or so as to cause any damage or injury to any building or other property; or make, kindle or use any fire in any shed, or in any barn, not fireproof, except in a secure fireplace, furnace or stove built for that purpose; or make or kindle any outdoor fire, within thirty (30) feet of any building or other property likely to be endangered thereby, unless in a secure furnace or enclosure made for that purpose; or leave any outdoor fire unattended; or in any such fire burn or cause to be consumed anything productive of foul, noxious or unpleasant odors, to the annoyance and discomfort of those being or residing in the vicinity of such fire. (Prior code § 12.08(a))

**8.12.020 Burning trash.**

It is unlawful for any person to burn any trash or waste matter within the village, except material such as paper, cardboard, tree trimmings and other products which burn freely and without objectionable quantities of smoke and obnoxious odors. (Prior code § 12.08(b))

**8.12.030 Violation—Penalty.**

Any person who violates this chapter shall be fined not less than five dollars (\$5.00)

nor more than five hundred dollars (\$500.00) for each offense. The violation of this chapter is declared to be a public nuisance, to be abated in the manner provided by law. (Prior code § 12.08(c))

**Chapter 8.16**

**GARBAGE AND REFUSE**

**Sections:**

- 8.16.010 Receptacle required.**
- 8.16.020 Refuse and garbage disposal.**
- 8.16.030 Deposit in street.**
- 8.16.040 Collection by village.**

**8.16.010 Receptacle required.**

It shall be the duty of every owner or his or her agent, or occupant of any house, building, flat or apartment, or tenement in the village where people reside, board or lodge, where animal or vegetable food is prepared or served, and at all times, to maintain in good order and repair a separate can for garbage; and a separate receptacle for tin cans, bottles, ashes and similar refuse. (Prior code § 13.05)

**8.16.020 Refuse and garbage disposal.**

It shall be the duty of each person in a house, building, flat, apartment house and restaurant to dispose of refuse in one of the following methods: in a properly constructed burner or incinerator placed to comply with all fire regulations, or by placement for removal at such times and in such manner as may be prescribed by the board of trustees. (Ord. 2003-20 § 1: prior code § 13.06)

**8.16.030 Deposit in street.**

No garbage or refuse of any kind shall be deposited in any street, alley or public way, except as is provided in this chapter; and no such refuse shall be so placed that it can be blown about or scattered by the wind. (Prior code § 13.07)

**8.16.040 Collection by village.**

A. The committee on sanitation shall have charge of the collection of garbage, tin

cans, bottles and similar refuse from residential and business premises in the village except businesses privately contracting for garbage collection and except schools. The collection shall be made from all premises at least once each week, provided that the material is properly stored for collection in a container complying with the provisions of this chapter.

B. The fees for such collection shall be nine dollars and fifty cents (\$9.50) per month for four thirty (30) gallon garbage bags per pick-up for each residence, dwelling, or business, payable monthly. Garbage in excess of four bags must be enclosed in additional thirty (30) gallon bags which must display a garbage tag, which tags will cost fifty cents (\$0.50) each. The tags are to be purchased from the village at the Morris Savings and Loan of Onarga. (Ord. 2007-1 § 1; Ord. 2006-1 § 1; Ord. 2005-2 § 1; Ord. 2001-2 § 1; Ord. 99-3 § 1; Ord. 6/6/88 § 1: prior code § 13.08)  
(Ord. No. 2009-3, § 1, 5-4-09)

**Chapter 8.20**

**NOXIOUS WEEDS**

**Sections:**

- 8.20.010**      **Noxious plants and weeds declared nuisance.**
- 8.20.020**      **Removal of noxious plants and weeds.**
- 8.20.030**      **Abatement.**
- 8.20.040**      **Lien—Foreclosure.**

**8.20.010**      **Noxious plants and weeds declared nuisance.**

Any weeds such as or known as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of like kind, and plants or bushes of the species of tall, common or European Barberry, otherwise known as Barberis Vulgaris, or its horticultural varieties, found growing in any place or location within the corporate limits of the village, are declared to be a nuisance. It is unlawful for any person to cause or permit any such weeds, plants or bushes to grow or remain in any place or location within the corporate limits of the village to a height in excess of eight inches. (Prior code § 12.07(a))

**8.20.020**      **Removal of noxious plants and weeds.**

It shall be the duty of every owner or occupant of every lot or tract of land within the corporate limits of the village to cut, destroy or remove, or cause to be cut, destroyed or removed, every such weed, plant or bush as hereinabove described upon every such lot or tract of land in such manner and on or before such time as such weeds, bushes or plants reach or exceed the height of eight inches. Upon the failure of any such owner or occupant so to do, it shall be the duty of the village

president or the village health officer to serve or cause to be served a notice upon any such owner or occupant of any premises upon which any such weeds, plants or bushes are caused or permitted to grow in violation of the provisions of this chapter, demanding the abatement of such growth as a nuisance, within a period of ten (10) days from the date of such service. Failure of any owner or occupant to comply with the provisions and demands of such notice shall constitute a violation of the provisions of this chapter. (Prior code § 12.07(b))

**8.20.030**      **Abatement.**

If, upon the expiration of the ten (10) day period provided in the notice to any owner or occupant of any premises in the village upon which any such weeds, plants or bushes are caused or permitted to grow in violation of the provisions of this chapter, it shall be the duty of the village president or the village health officer to proceed to abate the nuisance by cutting, destroying or otherwise removing the weeds, plants or bushes, and to keep an account of the expense thereof, and such expense shall be charged to the owner, or the owner and occupant jointly, of the premises, and it shall be the duty of the owner or the owner and occupant jointly to pay such expense. (Prior code § 12.07(c))

**8.20.040**      **Lien—Foreclosure.**

A. Continuing Lien. The village shall have a continuing lien upon the premises and real estate upon which any noxious weeds, plants or bushes shall be caused or permitted to grow in violation of the provisions of this chapter, for or on account of which it is necessary for any expense to be suffered or incurred by the village for the cutting, destroying or otherwise removing of any weeds, plants or bushes.

Every lien shall, upon compliance with the conditions hereinafter set forth, become and be prior and superior to the rights and interests of creditors, encumbrances, purchasers and other parties in interest in such premises and real estate, except taxes.

B. Enforcement of Lien. Such lien may be preserved and enforced in the following manner: the village clerk shall within sixty (60) days after the accrual of such expense or cost or charge, file or cause to be filed with the Iroquois County recorder of deeds, a claim for lien, verified by the affidavit of himself or herself or any other officer of the village having knowledge of the facts, which shall consist of a brief statement of the facts of the claim including the dates such expenses were incurred, the balance due after allowing all credits, and a sufficiently correct description of the lot, lots, or tract or tracts of land or real estate to properly identify such land or real estate. No such lien shall be defeated in the proper amount thereof because of error or overcharging on the part of the village, nor shall any such lien be defeated upon proof that the expense or cost or charge resulted from or was incurred by reason or fault of any tenant or occupant or other person in possession other than the owner.

C. Foreclosure of Lien.

1. If payment shall not be made as provided in this chapter of any amount due by virtue of its provisions when the same shall become due, the village may file or cause to be filed a petition or bill in the appropriate court for a foreclosure of such lien, and the village may proceed in its corporate name to foreclose such lien in like manner and with like effect as provided by the Illinois Revised Statutes in foreclosure of mortgages. Such suit shall be commenced within one year after the accrual of such expense or cost or charge. Any

decree rendered in court may be enforced and collected as other decrees or judgments in such court.

2. The remedy provided in this chapter shall not be construed to abridge or in any manner interfere with the right and power of the village to enforce the collection thereof by an action at law or as otherwise provided in this chapter, but the remedy herein provided shall be taken and held as an additional means to enforce payment of such delinquent expense or cost or charge. (Prior code § 12.07(d), (e))



## Chapter 8.24

### NUISANCES GENERALLY

#### Sections:

- 8.24.010 Public nuisances prohibited.**
- 8.24.020 Public nuisances defined.**
- 8.24.030 Public nuisances affecting health.**
- 8.24.040 Public nuisances offending morals and decency.**
- 8.24.050 Public nuisances affecting peace and safety.**
- 8.24.060 Abatement of public nuisances.**
- 8.24.070 Cost of abatement.**

#### **8.24.010 Public nuisances prohibited.**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the village or within the police jurisdiction of the village. (Prior code § 12.01)  
(Ord. No. 2012-5, § 1, 5-21-12)

#### **8.24.020 Public nuisances defined.**

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way. (Prior code § 12.02(a))  
(Ord. No. 2012-5, § 1, 5-21-12)

#### **8.24.030 Public nuisances affecting health.**

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Section 8.24.020:

A. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

B. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;

C. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, inoperative, junked or abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed; or which may constitute a fire hazard;

D. All stagnant water in which mosquitoes, flies or other insects can multiply;

E. Garbage cans which are not fly-tight;

F. The escape of smoke, soot, cinder, noxious acids, fumes, gases, fly ash or industrial dust within the village limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;

G. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

H. Any use of property, substances or things within the village emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy.

discomfort, injure or inconvenience the health of any appreciable number of persons within the village:

I. All open and unguarded pits, abandoned wells not securely covered or secured from public use, excavations or unused basements;

J. Any barn, stable or shed used for keeping animals;

K. Any obstruction in or across any water course, drainage or ditch or ravine;

L. Any open burning contrary to the regulations of the Illinois Pollution Control board;

M. The deposit of garbage, rubbish, junk, refuse or any offensive substance on any street, sidewalk or public place, or on any private property, except as may be permitted by ordinance;

N. Any noxious weeds on private property, as defined by Chapter 18 of the Illinois Revised Statutes; or

O. Any weeds or grass more than six inches above ground level. (Prior code § 12.02(b))  
(Ord. No. 2012-5, § 1, 5-21-12)

#### **8.24.040 Public nuisances offending morals and decency.**

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 8.24.020:

A. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;

B. All gambling devices and slot machines except as otherwise permitted by village ordinance;

C. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this code;

D. Any place or premises within the village where ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;

E. Pinball machines, bowling machines, pool machines, golf machines, target ranges and shooting gallery devices except as otherwise permitted by village ordinance. (Ord. 2003-16 § 1; Ord. 2003-15 § 1; prior code § 12.02(c))

(Ord. No. 2012-5, § 1, 5-21-12)

#### **8.24.050 Public nuisances affecting peace and safety.**

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section 8.24.020:

A. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the village relating to materials and manner of construction of buildings and structures;

B. All unauthorized signs, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;

C. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;

D. All limbs of trees which project over a public sidewalk less than eight feet above the surface thereof or less than ten (10) feet above the surface of a public street;

E. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;

F. All loud and discordant noises or vibrations of any kind;

G. All obstructions of streets, alleys, sidewalks or crosswalks, including excavations in or about same, except as permitted by the village for construction projects;

H. All abandoned refrigerators or ice-boxes from which the doors or other covers have not been removed;

I. The keeping of horses, cattle, hogs, sheep or other livestock, or fowl within the village limits;

J. Toilet facilities which are not connected to the village sewer system or underground septic tank;

K. **Inoperative Motor Vehicles.** As used in this subsection "inoperative motor vehicle" means any motor vehicle from which, for a period of at least sixty (60) 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. Inoperative 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.

Any vehicle which fails to display a current license and registration sticker is presumed to be abandoned within the meaning of this paragraph.

Nothing in this subsection shall apply to any motor vehicle that is kept within a building when not in use, to historic vehicles over twenty-five (25) years of age or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles;

L. The violation of any ordinance of the village where such violation is declared to be a nuisance in the ordinance. (Prior code § 12.02(d))

(Ord. No. 2012-5, § 1, 5-21-12)

#### **8.24.060 Abatement of public nuisances.**

A. **Inspection of Premises.** Whenever complaint is made to the village president that a public nuisance exists, or has existed, within the village, the president or official designee shall promptly inspect or cause to be inspected the premises and shall make a written report of his or her findings to the board of trustees. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the village clerk.

#### **B. Summary Abatement.**

1. **Notice to Owner.** If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the village president may direct the village clerk, or village enforcement officer, or designee, to serve a notice on the owner, or if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

2. **Abatement by Village.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing

the nuisance cannot be found, the superintendent of public works, or some other village official whom the president shall designate, shall cause the abatement or removal of such public nuisance.

C. Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he or she shall file a written report of his or her findings with the president, who shall cause an action to abate such nuisance to be commenced in the name of the village. (Prior code § 12.03)  
(Ord. No. 2012-5, § 1, 5-21-12)

**8.24.070 Cost of abatement.**

In addition to the penalty imposed by this code for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes. (Prior code § 12.04)  
(Ord. No. 2012-5, § 1, 5-21-12)

## Chapter 8.28

### NUISANCES AFFECTING PROPERTY VALUES

#### Sections:

- 8.28.010** Nuisance defined.
- 8.28.020** Duty of maintenance of private property.
- 8.28.030** Exterior storage of nonoperating vehicles prohibited.
- 8.28.040** Enforcement of chapter.
- 8.28.050** Failure of owner to abate nuisance—Penalty.

#### **8.28.010 Nuisance defined.**

For the purposes of this chapter, the term “nuisance” is defined to mean any condition or use of any 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 any of the following:

- A. Lumber, junk, trash, or debris;
- B. Abandoned, discarded or unused objects or equipment such as automobiles, motor vehicles, farm machinery, furniture, stoves, refrigerators, freezers, cans, or containers. (Ord. 83-12 § 12.20)

#### **8.28.020 Duty of maintenance of private property.**

No person owning, leasing, 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 of

the value of the other property in the neighborhood in which such premises are located. (Ord. 83-12 § 12.21)

#### **8.28.030 Exterior storage of nonoperating vehicles prohibited.**

No person in charge of or in control of any premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on such property longer than ten (10) days; and no person shall leave any such vehicle on any property within the village for a longer time than ten (10) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be visible readily from any public place or from any surrounding private property. This chapter shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the village or any other public agency or entity. (Ord. 83-12 § 12.22)

#### **8.28.040 Enforcement of chapter.**

Enforcement of this chapter may be accomplished by the village in any manner authorized by law, and in addition any person who by reason of another’s violation of any provisions of this chapter, suffers special damage to himself or herself different from that suffered by other property owners throughout the village generally, may bring an action to

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action to enjoin or otherwise abate an existing violation. (Ord. 83-12 § 12.23)

**8.28.050 Failure of owner to abate nuisance—Penalty.**

If owners or persons in possession allow a nuisance to exist or fail to abate a nuisance they, and each of them, upon conviction thereof shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or, in accordance with Section 1-2-1.1 of the Illinois Municipal Code, be incarcerated in a penal institution other than the penitentiary for not to exceed six months, or both, for each offense. A separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. (Ord. 83-12 § 12.29)

## Chapter 8.32

### OUTDOOR STORAGE OF JUNK

#### Sections:

- 8.32.010**     **Nuisance declared.**
- 8.32.020**     **Abatement of nuisance by owners.**
- 8.32.030**     **Failure of owner to abate nuisance—Penalty.**
- 8.32.040**     **Abatement by village.**

#### **8.32.010**     **Nuisance declared.**

The unsheltered storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are collectively described as “the personalty”, for a period of thirty (30) days or more, except in licensed junk yards, within the corporate limits of the village, is declared to be a nuisance and dangerous to the public safety. (Ord. 83-12 § 12.30)

#### **8.32.020**     **Abatement of nuisance by owners.**

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of the village upon which such storage is made, and also the owner, owners, and/or lessees of the personalty involved in such storage, all of whom are hereinafter referred to collectively as “owners” shall jointly and severally abate such nuisance by the prompt removal of the personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the village, or otherwise to remove it

to a location without the corporate limits. (Ord. 83-12 § 12.31)

#### **8.32.030**     **Failure of owner to abate nuisance—Penalty.**

If owners or persons in possession allow a nuisance to exist or fail to abate a nuisance they, and each of them, upon conviction thereof shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or, in accordance with Section 1-2-1.1 of the Illinois Municipal Code, be incarcerated in a penal institution other than the penitentiary for not to exceed six months, or both, for each offense. A separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. (Ord. 83-12 § 12.32)

#### **8.32.040**     **Abatement by village.**

A. Whenever owners or persons in possession fail to abate a nuisance, then the village shall remove the personalty to a location of its selection, the expenses therefor are to be billed to the owners or persons in possession, jointly and severally, the bill to be recoverable in a suit at law.

B. When the personalty has been removed and placed in storage by the village, as provided for herein, the personalty shall be sold by the village after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement the owners and persons in possession shall be liable to the village for the balance of the costs jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited in the village treasury for their use. (Ord. 83-12 § 12.33)

**Chapter 8.36**

**STORAGE OF MOBILE HOMES,  
TRAILERS AND BOATS**

**Sections:**

**8.36.010      General regulations.**

**8.36.010      General regulations.**

A. No person shall park or store on any property owned or occupied by him or her any mobile home, camper vehicle, trailer, truck or boat which is not owned by him or her or a family member. Any such item shall be parked or stored only in a rear yard.

B. Persons owning mobile homes parked on their property within the village shall obtain a permit for such mobile home from the village clerk. No mobile home shall be used for sleeping purposes while parked or stored in the village, except as provided in this section.

C. No person shall locate more than one mobile home on each undeveloped lot, as originally platted, or on any area having less than fifty (50) feet of frontage to the street.

D. Guests of any owner or occupant of any dwelling in the village may park a mobile home in the rear yard of such dwelling for not more than fifteen (15) days, provided the mobile home is used for sleeping purposes only during such period.

E. No person shall locate a mobile home in the village for periods exceeding thirty (30) days without first obtaining the written consent of not less than eighty (80) percent of the landowners within a three hundred (300) foot radius of the proposed location of a mobile home. (Prior code § 12.06)



**Chapter 8.40****ABATING CHRONIC NUISANCE  
PROPERTIES****Sections:**

- 8.40.010**     **Violations.**
- 8.40.020**     **Definitions.**
- 8.40.030**     **Remedy.**
- 8.40.040**     **Abatement of nuisance.**
- 8.40.050**     **Procedure.**
- 8.40.060**     **Commencement of action,  
burden of proof.**
- 8.40.070**     **Emergency closing  
procedures.**
- 8.40.080**     **Severability.**
- 8.40.090**     **Effective date of this  
chapter.**

**8.40.010**     **Violations.**

A. Any property within the village of Onarga which becomes a chronic nuisance property as defined in this chapter is in violation of this section and is subject to remedies.

B. Any person-in-charge who permits property under his or her ownership or control to be a public nuisance property shall be in violation of this section and subject to its remedies. (Ord. 2005-4 § 1 (part))

**8.40.020**     **Definitions.**

“Chronic nuisance property” means property upon which three or more of the behaviors listed in this section have occurred during any sixty (60) day period, as a result of any three separate factual events that have been independently investigated by any law enforcement agency.

1. Disorderly conduct as defined in 720 ILCS 5/26.1;

2. Unlawful use of weapons as defined in 720 ILCS 5/24.1 et seq.;

3. Mob action as defined in 720 ILCS 5/25.1;

4. Discharge of a firearm as defined in 720 ILCS 5/24-1.2 and 1.5;

5. Gambling as defined in 720 ILCS 5/28.1;

6. Possession, manufacture or delivery of controlled substances as defined in 720 ILCS 570/401 et seq.;

7. Assault or battery or any related offense as defined in 720 ILCS 5/12.1 et seq.;

8. Sexual abuse or related offenses as defined in 720 ILCS 5/12-15 et seq.;

9. Public indecency as defined in 720 ILCS 5/11.9;

10. Prostitution as defined in 720 ILCS 5/11-14 et seq.;

11. Criminal damage to property as defined in 720 ILCS 5/21-1 et seq.;

12. Possession, cultivation, manufacture or delivery of cannabis as defined in 702 ILCS 550/1 et seq.;

13. Illegal consumption or possession of alcohol as defined in 235 ILCS 5/1 et seq.

“Control” means the ability to regulate, dominate, counteract or govern conduct that occurs on that property.

“Owner” means any person, agent, firm or corporation having any legal or equitable interest in the property. Owner includes, but is not limited to: (1) a mortgagee in possession in whom is vested (a) all or part of the legal title to the property; or (b) all or part of the beneficial ownership and the right to the present use and enjoyment of the premises; or (2) an occupant who has the right to control what occurs on the property.

“Permit” means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

“Person” means any natural person, association, partnership or corporation capable of

#### 8.40.030

owning or using property in the village of Onarga.

“Person-in-charge” means any person in actual or constructive possession of a property, including but not limited to, an owner, occupant of property under his or her domain, ownership or control.

“Property” means any real property, including land upon that which is affixed, incidental or appurtenant to land, including but not limited to, any premises, room, house, building, or structure or any separate part or portion thereof, whether permitted or not. (Ord. 2005-4 § 1 (part))

#### **8.40.030 Remedy.**

A. In the event a court determines a property to be a chronic nuisance property, the court may order that the property be closed and secured against all use and occupancy for a period of not less than thirty (30) days, but not more than one hundred eighty (180) days, or the court may employ any other remedy deemed by it to be appropriate to abate the nuisance and to protect the health, safety, and welfare of the residents of the village of Onarga.

B. In addition to the remedy provided in subsection A of this section, the court may impose upon the owner of the property a civil penalty in the amount of up to one hundred dollars (\$100.00) per day, payable to the village of Onarga, for each day the owner had actual knowledge that the property was a public nuisance property and permitted the property to remain a public nuisance property.

C. In determining what remedy or remedies shall employ, the court may consider evidence of other conduct which has occurred on the property, including but not limited to:

1. The disturbance of neighbors;

2. The recurrence of loud and obnoxious noises;

3. Repeated consumption of alcohol in public. (Ord. 2005-4 § 1 (part))

#### **8.40.040 Abatement of nuisance.**

The village attorney of the village of Onarga or the state’s attorney of Iroquois County upon request of the mayor of the village of Onarga may commence an action to abate a public nuisance as defined in this chapter. Upon being satisfied by affidavits or other competent sworn evidence that a public nuisance exists, the court may without notice or bond enter a temporary restraining order or a preliminary injunction to enjoin any defendant from maintaining such nuisance and may enter an order restraining any defendant from removing or interfering with all property used in connection with the public nuisance. (Ord. 2005-4 § 1 (part))

#### **8.40.050 Procedure.**

When the chief of police of the village of Onarga receives two or more police reports documenting the occurrence of chronic nuisance activity on or within a property, the chief of police shall independently review such reports to determine whether they described criminal acts as set forth in this chapter. Upon such findings, the chief of police may:

A. Notify the person-in-charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the property;
2. A statement that the chief of police has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist, or

that have occurred. The chief of police shall offer the person-in-charge an opportunity to propose a course of action that the chief of police agrees will abate the nuisance activities giving rise to the violation;

3. Demand that the person-in-charge responds to the chief of police within ten (10) days to discuss the nuisance activities.

B. After complying with the notification procedures described in this chapter, when the chief of police received a police report documenting the occurrence of a third nuisance activity at or within a property and determines that the property has become a chronic nuisance property, the chief of police shall:

1. Notify the person-in-charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:

a. The street address or legal description sufficient for identification of the property.

b. A statement that the chief of police has determined the property to be chronic nuisance property with a concise description of the nuisance activities leading to his or her findings.

c. Demand that the person-in-charge responds within ten (10) days to the chief of police and propose a course of action that the chief of police agrees will abate the nuisance activities giving rise to the violation.

d. Service shall be made either personally or by first class certified mail, postage pre-paid, return receipt requested, addressed to the person-in-charge at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person-in-charge notice of the determination by the chief of police.

e. A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county in which the property is

located, and/or the occupant, at the address of the property, if these persons are different than the person-in-charge, and shall be made either personally or by first class mail, postage pre-paid.

f. A copy of the notice shall also be posted at the property after ten (10) days has elapsed from the service or mailing of the notice to the person-in-charge and the person-in-charge has not contacted the chief of police.

g. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this section.

2. If after the notification, but prior to the commencement of legal proceedings by the village pursuant to this section, a person-in-charge stipulates with the chief of police that the person-in-charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the chief of police may agree to postpone legal proceedings for a period of not less than ten (10) or more than thirty (30) days, except in the case of a nuisance activity under subsection (B)(1)(c) of this section where a search warrant was executed at the property. If the agreed course of action does not result in the abatement of the nuisance activity or if no agreement concerning abatement is reached within thirty (30) days, the chief of police shall instruct the village attorney to commence legal proceedings to abate the nuisance.

3. Concurrent with the notification procedures set forth in this section, the chief of police shall send copies of the notice, as well as any other documentation which supports legal proceedings to the village attorney.

C. When a person-in-charge makes a response to the chief of police as required in this section, any conduct or statements made in

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connection with the furnishing of that response shall not constitute an admission that any nuisance activities have or are occurring. This subsection does not however require the exclusion of any evidence which is otherwise admissible or offered for any other purpose. (Ord. 2005-4 § 1 (part))

#### **8.40.060 Commencement of action, burden of proof.**

A. In an action seeking closure of a chronic nuisance property, the village shall have the initial burden of showing by preponderance of the evidence that the property is a chronic nuisance property.

B. It is a defense to an action seeking the closure of chronic nuisance property that the owner of the property at the time in question could not, in the exercise of reasonable care or diligence determine that the property had become a public nuisance property, or could not, despite the exercise of reasonable care and diligence, control the conduct leading to the findings that the property is a chronic nuisance property.

C. In establishing the amount of any civil penalty requested, the court may consider any of the following factors:

1. The action or lack of action taken by the person-in-charge to mitigate or correct the problem at the property;
2. Whether the problem at the property was repeated or continuous;
3. The magnitude or gravity of the problem;
4. The cooperation of the person-in-charge with the village;
5. The cost of the village investigating and correcting or attempting to correct the condition;
6. Any other factors which the court, in the interests of preserving and protecting the

public health, safety, and welfare of the residents of the village of Onarga, deems reasonably appropriate. (Ord. 2005-4 § 1 (part))

#### **8.40.070 Emergency closing procedures.**

A. In the event that the chief of police determines that the property is an immediate threat to the public health, safety and welfare, the village may apply to the court for such interim relief as is deemed by the chief of police to be appropriate. In such event, the notification provision set forth in Section 8.40.050 of this chapter need not be complied with; however, the village shall make a diligent effort to notify the person-in-charge prior to a court hearing.

B. In the event that the court finds the property constitutes a chronic nuisance property as defined in this chapter, the court may order the remedy set out in this section. In addition, in the event that it finds the person-in-charge had knowledge of activities or conditions of the property constituting or violating this chapter and permitted the activities to occur, the court may assess a civil fine as provided in this section.

C. The court may authorize the village of Onarga to physically secure the property against use or occupancy in the event the owner fails to do so within the time specified by the court. In the event that the village is authorized to secure the property, all costs reasonably incurred by the village to effect a closure shall be made and assessed against the owner, and shall further constitute a lien against the property. As used in this section, "costs" mean those costs and expenses, including reasonable attorney's fees, actually incurred by the village of the physical securing of the property, as well as tenant relocation costs.

D. The village of Onarga shall prepare a statement of costs and shall thereafter submit such statement to the court for its review. If no objection to the statement is made within the period described by the court, a lien in such amount may be recorded against such property.

E. Any person who is assessed the cost of closure and/or civil penalty by the court shall be personally liable for the payment thereof by the village.

F. A tenant is entitled to its reasonable relocation costs, as determined by the court if, without actual notice, the tenant moved into the property, after either:

1. The owner received notice as described in this chapter of the police chief's determination as described in this section.

2. Unknown owner or other agent received notice of an action brought pursuant to this section. (Ord. 2005-4 § 1 (part))

**8.40.080 Severability.**

If any provision of the ordinance codified in this chapter is held to be invalid for any reason, the remainder of this chapter shall remain in full force and effect. (Ord. 2005-4 § 1 (part))

**8.40.090 Effective date of this chapter.**

This chapter shall be in force and effect upon its passage and in accordance with the provisions of Illinois law. (Ord. 2005-4 § 1 (part))



## **Title 9**

### **PUBLIC PEACE, MORALS AND WELFARE**

#### **Chapters:**

**9.04 Offenses Against Public Peace and Decency**

**9.08 Offenses Against Property**

**9.12 Offenses By or Against Minors**

**9.16 Housing Discrimination**

**9.20 Weapons**





## Chapter 9.04

### OFFENSES AGAINST PUBLIC PEACE AND DECENCY

**Sections:**

- 9.04.010      Disorderly conduct.**
- 9.04.020      Fireworks.**
- 9.04.030      Noise.**
- 9.04.040      Disorderly houses.**
- 9.04.050      Obscene material.**
- 9.04.060      Bathing.**
- 9.04.070      Loud vehicle sound  
                  systems.**
- 9.04.080      Loitering.**

**9.04.010      Disorderly conduct.**

No person shall engage in disorderly conduct in the village. Any of the following acts constitute disorderly conduct:

- A. Knowingly doing any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.
- B. Assaulting, striking or deliberately injuring another person.
- C. Engaging in or aiding or abetting any fight, quarrel or other disturbance.
- D. Intentionally disturbing any religious service, funeral, public or private meeting or assembly of persons.
- E. Collecting in crowds for unlawful purposes.
- F. Resisting or obstructing the performance by one known to be a police officer of any authorized act within the police officer's official capacity; or impersonating a police officer.
- G. Assisting any person in custody of police to escape or furnishing any weapon, drugs or liquor to any such person.
- H. Failing to obey a lawful order of dispersal by a person known to be a peace offi-

cer, where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.

I. Engaging in any fraudulent scheme, device or trick to obtain money or other valuable thing; or the practice of fortune telling, palmistry, card reading, astrology, clairvoyancy or other scheme to obtain money or other value by fraudulent means.

J. Giving any false alarm of fire, danger or disturbance to any person, or false information to any peace officer or firefighter or any village officer.

K. Making a telephone call, whether or not connection ensues, with intent to abuse, threaten or harass any person at the called number.

L. Engaging in publicly indecent behavior as defined by 720 ILCS 5/11-9 or obscenity as defined by 720 ILCS 5/11-20.

M. Being in houses of ill fame or illegal gaming houses or engaging in soliciting unlawful sexual actions.

N. Uses abusive language and thereby intentionally creates a risk of assault.

O. Throwing stones or missiles in public places or at any person or property, or using, brandishing, or threatening to use any missile, or dangerous weapon or object.

P. Damaging or defacing trees, bushes, gardens, fences, windows, signs, buildings, monuments, or vehicles; or engaging in any acts of vandalism.

Q. Abusing, beating or cruelly injuring any animal, or attempting to kill or wound any bird other than a sparrow, crow, blackbird, starling, or pigeon. (Ord. 2003-42 §§ 1—11; prior code § 43.01)

9.04.020

**9.04.020 Fireworks.**

No person shall sell, offer for sale, use or explode any fireworks in the village; except the board of trustees may grant a permit for a public display of fireworks under such conditions as it may impose under the provisions of 425 ILCS 35/2. (Ord. 2003-42 § 12, prior code § 43.04)

**9.04.030 Noise.**

No person shall disturb peace and quiet of any other person by creating excessive noise on his or her or any property. Excessive noise shall include but not by way of limitation any of the following:

A. Loud playing of phonographs, radios, television sets, or music machines, or musical instruments.

B. Barking or howling dogs or cats.

C. Vehicles without mufflers, or the unnecessary use of horns on vehicles.

D. The use of any power lawn mower, snow blower, snowmobile, or other noisy machine between ten p.m. and eight a.m. the following day, or at any time if not properly muffled. (Prior code § 43.07)

**9.04.040 Disorderly houses.**

No person shall, within the village or within three miles of the outer limits of the village, keep, maintain, frequent, or be an inmate of or connected therewith, or contribute to the support of any disorderly house or house of ill fame or assignation, or any place used for the practice of fornication or adultery; or knowingly suffer or permit any house or other premises owned or occupied by him or her or under his or her control to be used for any such purposes. (Prior code § 43.11)

**9.04.050 Obscene material.**

No person shall exhibit, sell, or offer to sell any obscene publication, print, pictures, or illustrations. (Ord. 2003-42 § 13; prior code § 43.12)

**9.04.060 Bathing.**

It is unlawful for any person to bathe at any public place, or in any place open to public view, unless such person is adequately or decently clothed or garbed in a bathing suit; and it is unlawful for any person to robe or disrobe at any public place or in any place open to public view, or to change clothing, or to change into or out of a bathing suit at any public place or in any place open to public view, or in an automobile or other motor vehicle on or in any street, highway, alley or other public place within the corporate limits of the village. (Prior code § 43.17)

**9.04.070 Loud vehicle sound systems.**

No driver or operator of any motor vehicle within the village limits shall operate or permit the operation of any stereo, car stereo, car sound system, sound system, or sound amplification system which can be heard outside the vehicle from a distance of seventy-five (75) feet or more when the vehicle is being operated upon a village roadway, alley, or in any area within the village that alarms, disturbs, or offends any village resident or employee. Violators of this section shall be fined no less than fifty dollars (\$50.00) and no more than two hundred fifty dollars (\$250.00) plus court costs. This section is not intended for emergency vehicles. (Ord. 01-12 § 1; prior code § 43.19)

**9.04.080 Loitering.**

A. Definitions. For the purpose of this section, the following definitions shall apply:

“Loitering” means and includes the following activity: remaining idle in essentially one location and spending time idly in connection thereto; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression “hanging around;” moving slowly about; sleeping in motor vehicles or trailers located on public property; sleeping on streets or sidewalks, alleys, public ways, parks, or other public property.

“Public place” means and includes, but is not limited to, the following: all places commonly known as being distinctively public, such as: public streets, public restrooms, sidewalks, parks, municipal airports, alleys, and buildings; all places privately owned but open to the public generally, such as: shopping centers, transportation terminals, retail stores, movie theaters, office buildings, and restaurants.

“Surrounding area” is defined as that area easily and immediately accessible to the person under observation.

B. Determination of Probable Cause for Alarm or Concern. Without limitation, the following activities and circumstances may be considered in determining probable cause for alarm or concern:

1. The flight of a person upon the appearance of a police officer;
2. Attempted concealment by a person upon the appearance of a police officer;
3. The systematic checking by a person of doors, windows, or other means of access to buildings, houses, or vehicles;
4. Continuous presence by a person in close proximity to any building, house, vehicle, or any other property or to any other person, at any time when the activity of such person manifests possible unlawful activity, such continuous presence being for an unreason-

able period of time under the circumstances then existing;

5. The sleeping or living by a person in any motor vehicle or trailer, located on any public street, public highway, public sidewalk, or public alley or way, or any other public place or building, park, or other public property;

6. The sleeping of any person on any public street, public highway, public sidewalk, or public alley or way, or any other public place or building, park, or other public property.

The only exception to subsections (B)(5) and (6) of this section will be those locations in any city park or other public facility approved by the public officials having authority to regulate the use of such public facilities.

C. Loitering—Police Order to Disperse.

1. It is unlawful for any person to loiter, either alone and/or in consort with others, in a public place, when such loitering is accompanied by activity or is under circumstances that afford probable cause for alarm or concern for the safety and well-being of persons, or for the security of property in the surrounding area.

2. It is unlawful for any person to loiter, either alone and/or in consort with others, in a public place in such a manner so as to obstruct any public street, public highway, public sidewalk, or public alley or way, or any other public place or building by hindering or impeding, or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic, or pedestrians.

3. It is unlawful for any person to loiter, either alone and/or in consort with others, in a public place in such a manner so as to commit in or upon any public street, public highway, public sidewalk, alley, or public way or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property, or with

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any business lawfully conducted by anyone in or upon, or facing or fronting on any such public street, public highway, public sidewalk, alley, or public way, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, or regress therein, thereof, and thereto, and no person shall, by his or her presence or by other means, either alone or in consort with others, interfere with or interrupt the conduct of business in the offices located in such buildings.

4. When any person causes or commits any of the conditions enumerated in subsection (C)(1) of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who refuses or fails to so move on or disperse shall be guilty of a violation of this section.

D. Violation—Penalty. Any person who violates any of the provisions of this section shall be subject to a fine not exceeding five hundred dollars (\$500.00). Any such violation shall constitute a separate offense on each successive day continued. (Ord. 2001-5 § 1: prior code § 43.20)

## Chapter 9.08

### OFFENSES AGAINST PROPERTY

#### Sections:

- 9.08.010** Fires.
- 9.08.020** Barbed wire fences.
- 9.08.030** Damaging property.
- 9.08.040** Littering.
- 9.08.050** Pollution.
- 9.08.060** Trespasses.
- 9.08.070** Combustible refuse.
- 9.08.080** Parades, meetings and assemblies in public places.

#### **9.08.010** Fires.

No person shall start or maintain any fire in any street, sidewalk, park or public place, or any place within thirty (30) feet of any building or structure. (Ord. 2003-43 § 1; prior code § 43.05)

#### **9.08.020** Barbed wire fences.

No person shall maintain any fence containing barbed wire along or near any public sidewalk. (Prior code § 43.06)

#### **9.08.030** Damaging property.

No person shall damage, destroy or deface any village property or any public or private property without permission of the owner. (Prior code § 43.08)

#### **9.08.040** Littering.

No person shall litter any public or private property with paper or other debris or foreign matter. Any stored or transported materials susceptible to blowing or scattering shall be adequately covered or protected to prevent littering. (Prior code § 43.09)

#### **9.08.050** Pollution.

No person shall pollute the air or any water course by excessive discharge of waste products or foreign matter. (Prior code § 43.10)

#### **9.08.060** Trespasses.

A. Prohibited. It is unlawful for any person to commit a trespass within the village upon either public or private property.

B. Specifically Enumerated Trespasses—Suppression. Without constituting any limitation upon the provisions of this section, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of this section, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this section, the acts so included being as follows:

1. An entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to such premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof;

2. The pursuit of a course of conduct or action incidental to the making of any entry upon the land of another in violation of a notice posted or exhibited at the main entrance to such premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof;

3. A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or

4. An entry into or upon any vehicle, aircraft or watercraft made without the consent

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of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right. (Prior code § 43.13)

**9.08.070 Combustible refuse.**

It is unlawful to permit or store any combustible refuse in such manner as to create a fire hazard, or to throw or deposit, or cause to be thrown or deposited, any such refuse of any kind on or in any street, highway, or alley or other public place within the corporate limits of the village. (Prior code § 43.14)

**9.08.080 Parades, meetings and assemblies in public places.**

A. Definitions. As used in this chapter:

“Activity” means a parade or public meeting or assembly.

“Funeral procession” means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director.

“Parade” means a march or procession of any kind.

“Public meeting or assembly” means a planned or organized gathering of a group of persons, or any ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds.

B. Permit Required. It is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly, as defined in this chapter, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly or parade has been obtained in com-

pliance with the provisions of this section, except as herein provided.

C. Exceptions. This section shall not apply to any of the following:

1. Funeral processions;
2. A governmental agency acting within the scope of its functions;

3. Students going to and from school classes or participating in educational activities, providing such activity is authorized by the school district and is under the immediate direction and supervision of the school authorized by the school district to approve and supervise such activity.

D. Application.

1. Application for permits under this section must be filed with the chief of police not less than five days in advance of the proposed activity. Late applications may be accepted if filed sufficiently in advance of the date of the proposed activity to enable the chief of police to determine that said activity will meet the requirements set forth in subsection E of this section.

2. This application shall be in writing and shall give the following information:

- a. The name, address and telephone number of the person requesting the permit. If the activity is proposed to be conducted for, on behalf of, or by any organization, the name, address and telephone number of the headquarters of the organization and the authorized head of such organization shall be stated;

- b. The name, address and telephone number of the person who will be directly in charge of and responsible for the activity;

- c. The purpose of the activity;

- d. The date, time and location or route of the proposed activity;

- e. The approximate number of persons who will participate in the activity and the

number and kinds of vehicles, equipment and animals which will be used;

f. Plans for the assembly and dispersal of the parade, including times and locations thereof;

g. A statement as to whether the parade will occupy all or only a portion of the streets proposed to be traversed;

h. A statement as to whether a permit has been requested or obtained from any other city within which the activity shall commence, terminate or occur in part;

i. Any additional information which the chief of police shall find reasonably necessary to a determination of the findings required by subsection E of this section.

E. Findings Required. The chief of police or designated representative shall issue a permit as provided for hereunder when from a consideration of the application and from such other information as may otherwise be obtained he or she finds that:

1. The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic;

2. The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the activity will take place or areas contiguous to such area;

3. The conduct of such activity will not unduly interfere with the movement of fire-fighting equipment en route to a fire, or the movement of other emergency equipment;

4. The conduct of such activity is not reasonably likely to cause injury to persons or property; and

5. Such activity is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor.

F. Conditions to Permit. The chief of police shall have authority to impose such conditions as are necessary to insure that all of the findings mentioned in subsection E of this section shall exist during the continuation of the activity.

G. Prior Application. If a prior application shall have been made for an activity proposed to be held at the same time or place, the chief of police may refuse approval of the later application. In case of such refusal, he or she shall forthwith send the applicant a written notice that he or she may apply for an alternate time and place.

H. Notice of Issuance or Denial. The chief of police shall act upon the permit application within three days of the filing thereof. If he or she disapproves of the application, he or she shall mail to the applicant within that three-day period notice of the denial and the reason for it.

I. Appeal Procedure. The applicant shall have the right to appeal the denial of a permit to the city council. A notice of appeal shall be filed with the city clerk within two days after the receipt of notice of the denial. The city council shall act upon the appeal at its next meeting following receipt of the notice of appeal.

J. Contents of Permit. Conditions to the issuance of any permit shall be set forth in the permit.

K. Duty of Permittee.

1. A permittee hereunder shall comply with all terms and conditions of the permit and with all applicable laws and ordinances.

2. The written permit obtained pursuant to this section shall be carried by the person heading or leading the activity for which the permit was issued.

L. Revocation of Permit. The chief of police may revoke any permit issued hereunder

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upon the failure of the permittee to comply with the terms and conditions of the permit or if the activity, because of the manner in which it is being conducted, or for any other reason, is jeopardizing those elements of the public safety or welfare set forth in subsection E of this section.

M. Public Conduct During a Meeting, Assembly or Parade.

1. It is unlawful for any person to unreasonably obstruct, impede or interfere with any parade or public meeting or assembly or with any person, vehicle or animal participating in such a parade, meeting or assembly for which a permit has been granted in accordance with the provisions of this section. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of the route of a parade. The chief of police shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. (Ord. 2003-44 § 1: prior code § 43.16)



## Chapter 9.12

### OFFENSES BY OR AGAINST MINORS

**Sections:**

- 9.12.010 Tobacco products.**  
**9.12.020 Children on streets at night.**

**9.12.010 Tobacco products.**

It is unlawful for any person to vend, give, deliver or furnish any tobacco products in any form to any person under the age of eighteen (18) years, or to permit any premises owned by him or her to be frequented by any person under the age of eighteen (18) years for the purpose of indulging in the use of tobacco products in any form, unless upon the written order of the minor's parent or guardian; and it is unlawful for any person under the age of eighteen (18) years to smoke or use tobacco products in any form on or in any street, alley or other public place within the corporate limits of the village; no person shall sell, buy or furnish any cigar or cigarette, or tobacco in any of its forms, to any minor under eighteen (18) years of age, unless upon the written order of the minor's parent or guardian, or unless sold in the presence of such parent or guardian. For purposes of this section, tobacco products include cigars, cigarettes and pipe tobacco and the like. (Prior code § 43.15)

**9.12.020 Children on streets at night.**

A. It is unlawful for any person under sixteen (16) years of age to be or remain in or upon any street, alley, or other public place in the village after ten p.m. Sunday through Thursday and before six a.m. on any day unless such person is accompanied by a parent or guardian, or other person having custody of such minor, or unless the minor is in the per-

formance of an errand or duty directed by such parent or guardian or other person having custody of such minor person, or unless such person is in lawful employment making it necessary to be in such places during the hours herein specified.

B. It is unlawful for anyone having the legal care and custody of any person under sixteen (16) years of age, to allow or permit such person to go or be upon any public street, alley, or other public place in the village after ten p.m. Sunday through Thursday and before six a.m., on any day, except in case of necessity. (Prior code § 43.18)

**Chapter 9.16**

**HOUSING DISCRIMINATION**

**Sections:**

- 9.16.010 Declaration of policy.**
- 9.16.020 Definitions.**
- 9.16.030 Prohibited acts.**
- 9.16.040 Violation—Penalty.**

**9.16.010 Declaration of policy.**

A. In furthering the policy of the state of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the village may be ensured, it is declared the policy of the village to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

B. It is the policy of the village that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

C. Relocation shall be carried out in a manner that will promote maximum choice within the community’s total housing supply; less racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities. (Ord. 2002-1 § 1)

**9.16.020 Definitions.**

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this section and as used in this chapter:

“Decent, sanitary, healthful standard living quarters” means housing which is in sound, clean and weathertight condition in conformance with applicable local, state and national codes.

“Discriminate” or “discrimination” mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodations and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

“Financial institution” means any person, institution or business entity of any kind which loans money to persons and receives as security for such loans a secured interest of any kind in the real property of the borrower.

“Housing accommodation” means and includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.

“Owner” means any person or persons who hold legal or equitable title to or own any beneficial interest in any real property or who

hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

“Real estate broker” means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

“Real property” means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the village. (Ord. 2002-1 § 2)

#### **9.16.030 Prohibited acts.**

A. It is unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesperson, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

B. In addition to the foregoing, it is also unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the village:

1. To discriminate against any person in the availability of or the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any housing accommodation or real property in the village or in furnishing of any facilities or services in connections therewith.

2. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed, or disability of any person.

3. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

4. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

5. To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

6. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any par-

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particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

7. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.

8. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant. (Ord. 2002-1 § 3)

**9.16.040 Violation—Penalty.**

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day a violation continues shall constitute a separate violation. This section shall in no way abrogate or impair the right of the village to specifically enforce, by any legal means, any of the provisions of this chapter. (Ord. 2003-50 § 1; Ord. 2002-1 § 4)

**Chapter 9.20**

**WEAPONS**

**Sections:**

**9.20.010      Firearms.**

**9.20.020      Weapons.**

**9.20.010      Firearms.**

No person shall discharge any firearms or do any hunting in the village. This shall not apply to peace officers in line of duty, or any person acting in self defense. (Prior code § 43.02)

**9.20.020      Weapons.**

A person who is not a village officer, shall not carry about his or her person any concealed pistol, switchblade, knife, razor, sling-shot, metal knuckles or any other weapon or thing of deadly character. (Prior code § 43.03(a))



## **Title 10**

### **VEHICLES AND TRAFFIC**

#### **Chapters:**

- 10.04 State Traffic Code Adopted**
- 10.08 Supplemental Traffic Regulations**
- 10.12 Truck Routes and Snow Routes**
- 10.16 Stop and Yield Intersections**
- 10.20 Snowmobiles**
- 10.24 Police Impoundment Lots**





**Chapter 10.04****STATE TRAFFIC CODE ADOPTED****Sections:**

**10.04.010**     **Vehicle Code adopted by reference.**

**10.04.020**     **Violation—Penalty.**

**10.04.010**     **Vehicle Code adopted by reference.**

The following chapters of the Illinois Vehicle Code are adopted by reference as if fully set forth herein: 625 ILCS Ch. 5/11 (Illinois Rules of the Road), 625 ILCS Ch. 5/12 (Illinois Vehicle Equipment Law) and 625 ILCS Ch. 5/15 (Illinois Size and Weight Law). (Ord. 2003-32 § 1 (part): prior code § 41.01(a))

**10.04.020**     **Violation—Penalty.**

The penalty for violation of any provision of the Illinois Vehicle Code adopted by reference in Section 10.04.010 shall be the penalty specified for violation by the Illinois Vehicle Code. When the Illinois Vehicle Code does not provide a specific penalty for violation, the penalty shall be a fine not to exceed seven hundred fifty dollars (\$750.00). (Ord. 2003-32 § 1 (part): prior code § 41.01(b))

10.08.010

**Chapter 10.08**

**SUPPLEMENTAL TRAFFIC  
REGULATIONS**

**Sections:**

**10.08.010**    **Speed limits.**

**10.08.020**    **U-turns.**

**10.08.010**    **Speed limits.**

A. When signs are erected giving notice thereof, no person shall drive a vehicle in excess of the following indicated speed limits on any of the following streets:

1. Chestnut Street in business district, twenty (20) miles per hour;
2. Blue Spruce Lane from Washington to Lincoln, thirty-five (35) miles per hour.

B. All other streets, thirty (30) miles per hour. (Ord. 2003-33 § 1; Ord. 98-4 § 1; prior code § 41.02)

**10.08.020**    **U-turns.**

No person operating a vehicle upon any street in the village designated as a through street shall make a U-turn any place on such street, except at intersections. (Prior code § 41.04)

## Chapter 10.12

### TRUCK ROUTES AND SNOW ROUTES

#### Sections:

#### 10.12.010 Hazardous substance truck route.

#### 10.12.020 Snow routes.

#### 10.12.010 Hazardous substance truck route.

Vehicles of the second division as defined in 625 ILCS 5/1-217 are restricted to use of the following streets in the village when transporting any hazardous, toxic, highly toxic, corrosive, irritant, strong sensitizer, flammable-combustible radioactive substance or other substance defined in 430 ILCS 35:

A. From West. Enter on Ill. 54 to Pine Street, turn north on Pine Street to Washington, east on Washington to 45 North. To go south enter on Seminary to Evergreen Street, turn south on Evergreen to Roosevelt, stay on Roosevelt to US 45 South. To go east, enter on Seminary to Evergreen, go south on Evergreen to Roosevelt go east on Roosevelt.

B. From South. To go north off US 45, turn east on Roosevelt to Blue Spruce Lane, go north on Blue Spruce to US 45. To go east, turn east at Roosevelt. To go west, turn west on Roosevelt to Evergreen, north on Evergreen to Seminary, then west on Seminary.

C. From East. Coming from county slab, enter on Roosevelt to US 45 South. To go north, enter to Blue Spruce Lane, turn north on Blue Spruce to US 45 North. To go west, enter on Roosevelt to Evergreen Street, go north on Evergreen to Seminary. Turn west on Seminary.

D. From North. To go east off US 45 come in on Blue Spruce (by bowling alley) to Roosevelt, turn east on county slab. To

go west, turn off US 45 to Washington Street, go west to Pine Street, turn south on Pine to US 54 West. To go south, enter on Blue Spruce to Roosevelt, turn west on Roosevelt to US 45 South. (Prior code § 41.24)

#### 10.12.020 Snow routes.

A. At such times snow shall accumulate to a depth of two inches or more, parking shall be prohibited after two a.m. in the morning upon the following streets, which each individual street is designated as snow route, until such time as the snow on the snow route is cleared.

B. The following streets are designated as snow routes in their entirety. All such streets shall be posted with signs not less than twelve (12) inches by eighteen (18) inches having a white background with black letters stating "Snow Route":

1. Lincoln Avenue;
2. Seminary Avenue;
3. Evergreen Street;
4. Chestnut Street;
5. Poplar Street.

C. All owners of vehicles which may be parked upon streets designated as snow routes shall promptly remove their vehicles from the streets by two a.m. when there is an accumulation of snow to a depth of two inches or more.

D. At such time as the snow route has been cleared of snow, parking on the streets designated as snow routes shall again be permitted.

E. The penalty for violation of the Snow Route parking ban is as follows:

1. The chief of police, or designee, is authorized to have vehicles towed which are parked in violation of this section. A violation of this section results in a fine of twenty-five dollars (\$25.00), the cost of towing,

and storage, together with court costs and any attorney fees as a result of enforcement of this section.

2. The parking violation fine is not to exceed five hundred dollars (\$500.00), plus reasonable attorney fees and court costs for each offense, in enforcing this section. (Ord. 2001-4 §§ 1, 2: prior code § 41.26)  
(Ord. No. 2008-3, §§ 4—6, 3-14-08)

## Chapter 10.16

### STOP AND YIELD INTERSECTIONS

#### Sections:

- 10.16.010**     **Parking vehicles for sale.**
- 10.16.020**     **Loading zones.**
- 10.16.030**     **Towing away vehicles.**
- 10.16.040**     **All night parking.**
- 10.16.050**     **Angle parking.**
- 10.16.060**     **Parking on private property.**
- 10.16.070**     **Parking in alleys.**
- 10.16.080**     **Responsibility of owner.**

#### **10.16.010**     **Parking vehicles for sale.**

It is 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, or to park any vehicle upon any street without state license plates upon it, issued for such vehicle, to the owner of the vehicle, in accordance with the Illinois Revised Statutes. (Prior code § 41.08)

#### **10.16.020**     **Loading zones.**

The chief of police may determine the location of loading zones and shall erect or maintain or cause to be erected or maintained appropriate signs indicating the same. It is unlawful to stop, stand or park a vehicle for a period of time longer than necessary for the unloading and delivery or pick-up of materials in any place marked as a loading zone. (Prior code § 41.09)

#### **10.16.030**     **Towing away vehicles.**

The police department is authorized to have removed and towed away 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

hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or in any public place where signs have been legally posted either limiting or prohibiting parking; or any vehicle which has been parked in any public street, public parking lot, or other public place for a period of twenty-four (24) consecutive hours. Cars towed away shall be stored and shall be released to the owner or operator thereof after payment of the expense incurred in removing and storing such vehicles. (Prior code § 41.12)

#### **10.16.040**     **All night parking.**

When signs are erected at the entrances of highways into the village giving notice thereof, no person shall park a vehicle for longer than thirty (30) minutes between the hours of two a.m. and six a.m. on any day, except physicians on calls. (Prior code § 41.13)

#### **10.16.050**     **Angle parking.**

Parking shall be at an angle, as marked, on Chestnut, Seminary and Lincoln Streets. (Prior code § 41.14)

#### **10.16.060**     **Parking on private property.**

It is unlawful to park any motor vehicle on any private property without the consent of the owner of the property. (Prior code § 41.15)

#### **10.16.070**     **Parking in alleys.**

No person shall park a vehicle within an alley except for the purpose of loading and unloading merchandise and then in such a manner or under such conditions as to leave available less than ten (10) feet 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 posi-

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tion as to block the driveway entrance to any abutting property. (Prior code § 41.16)

**10.16.080 Responsibility of owner.**

The fact that a vehicle is registered in a person's name shall be prima facie proof that such person was responsible for any violation of any parking regulation of this chapter involving such vehicle. (Prior code § 41.17)

## Chapter 10.20

## SNOWMOBILES

## Sections:

10.20.010	Definitions.	10.20.250	Starting parked snowmobile.
10.20.020	Application and jurisdiction.	10.20.260	Signals required.
10.20.030	Enforcement.	10.20.270	Signal by hand, arm or signal device.
10.20.040	Inspection.	10.20.280	Method of giving hand and arm signals.
10.20.050	Operation—Where permitted.	10.20.290	Right-of-way.
10.20.060	Operation on state highways.	10.20.300	Right-of-way turning left.
10.20.070	Resistance to officers.	10.20.310	Snowmobile entering stop intersection.
10.20.080	Operation of unnumbered snowmobiles.	10.20.320	Snowmobile entering yield intersection.
10.20.090	Municipal registration.	10.20.330	Obedience to traffic control devices.
10.20.100	Purchase of decal.	10.20.340	Accident.
10.20.110	Loss of municipal registration certificate.	10.20.350	Pedestrian right-of-way.
10.20.120	Municipal registration number application.	10.20.360	Persons under the influence of intoxicating liquor or narcotic drugs.
10.20.130	Headlamp.	10.20.370	Obstruction of operator's view or driving mechanism.
10.20.140	Taillights.	10.20.380	Obstructing roadways.
10.20.150	Brakes.	10.20.390	Horns and warning devices.
10.20.160	Mufflers.	10.20.400	Valid state operator's license required.
10.20.170	General speed restrictions.	10.20.410	Weapons possession.
10.20.180	Reckless driving.	10.20.010	<b>Definitions.</b>
10.20.190	Racing.		As used in this chapter:
10.20.200	Minimum speed regulation.		“Dangerous drug” means any drug defined as a depressant or stimulant substance in the Illinois Controlled Substance Act and cannabis as defined in the Cannabis Control Act of the State of Illinois.
10.20.210	Driving on right side of roadway.		“Dealer” means a person, partnership, or corporation engaged in the business of manufacturing, selling, or leasing snowmobiles at wholesale or retail.
10.20.220	Limitations on overtaking on the left.		
10.20.230	Additional limitations—Driving to left of center of roadway.		
10.20.240	Following too close.		

“Highway” means the entire width between boundary lines of any highway, road, street, avenue, alley, or public driveway.

“Intoxicating beverage” means any beverage enumerated in the Liquor Control Act of the State of Illinois.

“Local authority” means the board of trustees of the village.

“Narcotic drug” means any substance defined as a narcotic drug in the Illinois Controlled Substance Act.

“Operate” means to ride in or on, other than as passenger, use or control the operation of a snowmobile in any manner, whether or not the snowmobile is underway.

“Operator” means every person who operates or is in actual physical control of a snowmobile.

“Owner” means a person other than a lien holder having title to a snowmobile.

“Peace officer” means any person authorized under the statutes of the state of Illinois to make arrest for a violation of any statute or ordinance, whether it be a total arrest power of all statutes or a portion of any statute.

“Register” means the act of assigning a registration number to a snowmobile by state statute and by local ordinance.

“Roadway” means that portion of a highway, improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term roadway as used in this act refers to any such roadway separately, but not to all such roads collectively.

“Snowmobile” means a self-propelled device designed for travel on snow or ice or natural terrain, steered by skis or runners and supported in part by skis, belts, or cleats. (Ord. 2003-36 § 1; prior code § 41.23.01—41.23.13)

#### **10.20.020 Application and jurisdiction.**

No portion of this chapter shall preclude the state of Illinois or its officers or agents from enforcing the Illinois Snowmobile Registration and Safety Act under 625 ILCS 40. (Ord. 2003-37 § 1; prior code § 41.23.14)

#### **10.20.030 Enforcement.**

It is the duty of all sheriffs, deputy sheriffs and other police officers to arrest any person detected in violation of any of the provisions of this chapter. (Prior code § 41.23.15)

#### **10.20.040 Inspection.**

Duly authorized police officers may stop and inspect any snowmobile at any time for the purpose of determining if the provisions of this chapter are being complied with. If the inspecting officer discovers any violation of the provisions of this chapter, he or she may issue a summons to the operator of such snowmobile requiring that the operator appear before the Circuit Court for the county in which the offense was committed. Every snowmobile subject to this chapter if underway and upon being hailed by a designated law enforcement officer must stop immediately. (Prior code § 41.23.16)

#### **10.20.050 Operation—Where permitted.**

No person may drive, operate or be in actual physical control of any snowmobile within the village, except on the entire lengths of Lincoln, Evergreen, and Poplar Streets in the village or upon private property with the consent of the property owner. (Ord. 2003-40 § 1; prior code § 41.23.53)



**10.20.060 Operation on state highways.**

No person may operate a snowmobile on any state highway within the limits of the village, except to cross the state highway at a ninety (90) degree angle yielding to all traffic and crossing only when it is safe to do so. (Prior code § 41.23.51)

**10.20.070 Resistance to officers.**

It is unlawful for any person to resist or obstruct any peace officer in a discharge of his or her duties under this chapter. (Prior code § 41.23.17)

**10.20.080 Operation of unnumbered snowmobiles.**

Except as otherwise provided in 625 ILCS 40, no person shall after the effective date of this chapter operate any snowmobile within the corporate limits unless such snowmobile has been registered and numbered in accordance with the provisions of the Illinois Snowmobile Registration and Safety Act. (Ord. 2003-38 § 1; prior code § 41.23.18)

**10.20.090 Municipal registration.**

All persons owning or operating a snowmobile within the corporation limits shall purchase from the village clerk and display prominently upon the snowmobile a municipal registration decal. (Prior code § 41.23.19)

**10.20.100 Purchase of decal.**

The village clerk upon receipt of payment of the authorized fee shall supply a decal to the owner or operator of a snowmobile upon proof that the owner or operator of that snowmobile has properly registered same with the Illinois Department of Conservation and has received a certificate of number indicating such registration. (Prior code § 41.23.20)

**10.20.110 Loss of municipal registration certificate.**

Should a certificate of municipal registration become lost, destroyed or mutilated beyond legibility, the owner of the snowmobile shall make application to the village clerk for the replacement of the certificate or decal, giving his or her name, address and the number of his or her snowmobile and shall at the same time pay to the village clerk a fee of two dollars (\$2.00). (Prior code § 41.23.21)

**10.20.120 Municipal registration number application.**

The owner of each snowmobile requiring numbering by the village shall file an application for number with the village clerk on forms approved by the village board. The application shall be signed by the owner of the snowmobile and shall be accompanied by a fee paid annually to the village clerk in the amount of five dollars (\$5.00). (Prior code § 41.23.22)

**10.20.130 Headlamp.**

All snowmobiles in operation shall display at least one lighted headlamp, white in color, having a minimum candle power of sufficient intensity to exhibit a white light plainly visible from a distance of at least five hundred (500) feet ahead during hours of darkness under normal atmospheric conditions. (Prior code § 41.23.23)

**10.20.140 Taillights.**

All snowmobiles while in operation shall display at least one red taillight having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear

10.20.150

during hours of darkness under normal atmospheric conditions. (Prior code § 41.23.24)

**10.20.150 Brakes.**

All snowmobiles shall have an operating brake system in good mechanical condition. (Prior code § 41.23.25)

**10.20.160 Mufflers.**

No snowmobile shall be sold or offered for sale or operated unless it is equipped with a sound muffling device installed by the manufacturer and under no circumstances shall this muffler device be modified or removed by the owner or operator. (Prior code § 41.23.26)

**10.20.170 General speed restrictions.**

A. No snowmobile may be driven upon any roadway within the corporate limits of the village at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of the snowmobile does not exceed the applicable maximum speed limit does not relieve the driver of the snowmobile from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around the curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and a duty of all persons to use due care.

B. Unless some other speed restriction is established by the posting of speed limit signs under the authority of the village board, the

maximum speed limits for snowmobiles within the corporate limits are as follows:

1. Thirty (30) m.p.h. in any residential or business district;
2. Fifteen (15) m.p.h. in any alley;
3. Twenty (20) m.p.h. while passing through any school zone, properly posted. (Prior code § 41.23.27)

**10.20.180 Reckless driving.**

Any person who drives any snowmobile with a wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. (Prior code § 41.23.28)

**10.20.190 Racing.**

No person shall engage in any race on any roadway within the corporate limits. Race means that act of two or more individuals competing or racing on any street or highway, in a situation in which one of the snowmobiles is beside or to the rear of a snowmobile operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking him or her, either by acceleration or maneuver or one or more individuals competing in a race against time on any street or roadway in the village. (Prior code § 41.23.29)

**10.20.200 Minimum speed regulation.**

No person shall drive a snowmobile at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of his or her snowmobile or in compliance with the direction of a peace officer. (Prior code § 41.23.30)

**10.20.210 Driving on right side of roadway.**

Snowmobiles shall be operated on all roadways as close to the right hand side of the roadway as possible. Snowmobiles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible. (Prior code § 41.23.31)

**10.20.220 Limitations on overtaking on the left.**

No snowmobiles shall be driven to 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. (Prior code § 41.23.32)

**10.20.230 Additional limitations—Driving to left of center of roadway.**

No snowmobile shall be driven on the left side of the roadway when approaching or upon the crest of a grade or curve in the highway where the driver's view is obstructed, when approaching within one hundred (100) feet of or traversing an intersection or railroad grade crossing, or when the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel, and no driver may pass to the left where signs or markings are in place to define a no passing

zone as indicate by pavement striping or appropriate signing. (Prior code § 41.23.33)

**10.20.240 Following too close.**

The operator of a snowmobile 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 condition of the highway. (Prior code § 41.23.34)

**10.20.250 Starting parked snowmobile.**

No operator shall start a snowmobile which is stopped, standing or parked unless and until such movement can be made with reasonable safety. (Prior code § 41.23.35)

**10.20.260 Signals required.**

A signal of intention to turn right or left when required must be given continuously during not less than the last one hundred (100) feet traveled by the snowmobile before turning with a business or residence district. (Prior code § 41.23.36)

**10.20.270 Signal by hand, arm or signal device.**

Any stop or turn signal when required shall be given either by means of a hand and arm or by electric turn signal device conforming to the requirements of 625 ILCS 40. (Amended during 2003 codification; prior code § 41.23.37)

**10.20.280 Method of giving hand and arm signals.**

All signals required by this chapter shall be given from the left side of the vehicle in the following manner:

A. Left turn: hand and arm extended horizontally;

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B. Right turn: hand and arm extended upward;

C. Stop or decrease of speed: hand and arm extended downward. (Prior code § 41.23.38)

**10.20.290 Right-of-way.**

Any snowmobile approaching or entering an intersection from a different roadway shall yield the right-of-way to a vehicle on the opposite roadway which is entering from the right at approximately at the same time. The driver of the vehicle or snowmobile on the left must yield the right-of-way to the vehicle on the right. (Prior code § 41.23.39)

**10.20.300 Right-of-way turning left.**

The operator of a snowmobile intending to turn to the left within an intersection or into an alley, private road or driveway, shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but the snowmobile operator having so yielded may proceed at such time as a safe interval occurs. (Prior code § 41.23.40)

**10.20.310 Snowmobile entering stop intersection.**

Except when directed to proceed by a peace officer or traffic control signal, every operator of a snowmobile approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the operator of the snowmobile shall yield the right-of-way to any vehicle which has entered the intersection

from another roadway as to constitute an immediate hazard during the time when the operator is moving across or within the intersection, but the operator having so yielded may proceed at such time as a safe interval occurs. (Prior code § 41.23.41)

**10.20.320 Snowmobile entering yield intersection.**

The operator of a snowmobile approaching a yield sign shall in obedience to such signs slow down to a speed reasonable for the existing conditions and if required for safety, to stop, shall stop at a clearly marked line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such operator is moving across or within the intersection. If a snowmobile is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past the yield right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way. (Prior code § 41.23.42)

**10.20.330 Obedience to traffic control devices.**

A. The operator of any snowmobile shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter and it is unlawful for any snowmobile operator to leave the roadway and travel across pri-

vate property to avoid an official traffic control device.

B. Snowmobile traffic facing a steady red signal at an automatic traffic control device must stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is indicated by a green traffic control signal. (Prior code § 41.23.43)

**10.20.340 Accident.**

Operators of snowmobiles involved in any accident with another snowmobile or any other motor vehicle or pedestrian shall make accident reports in accordance with the provisions of the Illinois State Snowmobile Registration and Safety Act, 625 ILCS 40/6-1. (Ord. 2003-39 § 1; prior code § 41.23.44)

**10.20.350 Pedestrian right-of-way.**

The operator of all snowmobiles shall yield the right-of-way, slowing down or stopping if need be to so yield to a pedestrian crossing a roadway with a crosswalk, but in any case every driver of a snowmobile shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. (Prior code § 41.23.45)

**10.20.360 Persons under the influence of intoxicating liquor or narcotic drugs.**

A. No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any snowmobile within the village, and further no person who is an habitual user of or under the influence of

any narcotic drug or who is under the influence of any other drug to a degree which renders him or her incapable of safely driving a snowmobile may drive or be in actual physical control of any snowmobile within the village.

B. No person shall consume any alcoholic liquor while operating a snowmobile within the village and any alcoholic liquor transported in a snowmobile shall be in its original package and with the seal unbroken. (Prior code § 41.23.46)

**10.20.370 Obstruction of operator's view or driving mechanism.**

No person shall operate a snowmobile when it is so loaded with passengers as to obstruct the operator's view or his or her operation of the driving mechanism. (Prior code § 41.23.47)

**10.20.380 Obstructing roadways.**

No operator shall wilfully or unnecessarily hinder, obstruct, or delay or attempt to delay, hinder or obstruct any other person unlawfully driving or traveling along or upon any roadway within the corporate limits. (Prior code § 41.23.47.01)

**10.20.390 Horns and warning devices.**

All snowmobiles when operated upon a roadway in the village shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. No snowmobile shall be equipped with any siren, whistle or bell. (Prior code § 41.23.48)

10.20.400

**10.20.400 Valid state operator's license required.**

No person shall operate a snowmobile within the village on any roadway unless they are in possession of a valid operator's license issued by the state of Illinois or are a resident of another state and possess a valid operator's license from that state. (Prior code § 41.23.49)

**10.20.410 Weapons possession.**

No person, except persons permitted by law, shall operate or ride any snowmobile with any firearm in his or her possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is in a carrying case. (Prior code § 41.23.50)

## Chapter 10.24

### POLICE IMPOUNDMENT LOTS

#### Sections:

**10.24.010 Definition.**

**10.24.020 Regulations.**

#### **10.24.010 Definition.**

“Police impoundment lot” means any site where vehicles which are ordered towed by any state or municipal police authority are stored for more than twenty-four (24) hours. (Ord. 2001-6 § 1: prior code § 12.60 (part))

#### **10.24.020 Regulations.**

The following regulations shall apply to any police impoundment lot:

A. Such lot shall be surrounded by a secure fence of a height of not less than six feet. Such fencing is to consist of opaque or solid material so that the contents of the site are not visible.

B. Within twenty-four (24) hours of towing any vehicle, the operator, owner or manager of the police impoundment lot shall mail or deliver a copy of any “Tow Notice” or other written direction by which he or she has caused any vehicle to be towed and impounded in the police impoundment lot.

C. On or before the fifteenth of each month, such owner, operator or manager of the police impoundment lot shall mail or deliver to the chief of police an inventory of the previous month which indicates: (1) the number of vehicles stored in the police impoundment lot on the last day of the month for which the report is being made; (2) the number of vehicles towed into the lot during the month for which the report is being made; (3)

the number of vehicles released from the lot for any purpose during the month for which the report is being made.

D. No vehicle shall be stored in any police impoundment lot for more than one hundred twenty (120) days from the date when it is first delivered to the police impoundment lot. Any vehicle remaining longer than one hundred twenty (120) days shall immediately be removed from the lot by the owner, operator or manager and towed to a junk yard.

E. The owner, operator, or manager of the police impoundment lot may, in writing, request a waiver of the one hundred twenty (120) day storage requirement by notifying the chief of police of any request for storage of a vehicle beyond the one hundred twenty (120) day requirement. Without limitation, the need for storage of the vehicle for evidentiary or other police purposes or the failure of relevant police departments to provide appropriate paperwork shall be prima facie evidence of a need for an extended storage period. An extended storage period authorization shall not be unreasonably withheld by the chief of police and shall apply to the vehicle or vehicles for which the waiver request is made by the owner, operator or manager of the police impoundment lot.

F. No owner, operator, or manager of the police impoundment lot shall use any guard or attack dogs if the same disturb the peace of any adjacent property owner at any time.

G. No delivery or removal of any vehicle from the police impoundment lot shall occur between the hours of ten p.m. and six a.m.

H. Any owner, operator or manager of a police impoundment lot who violates this chapter, or permits a violation of this chapter, shall be subject to a fine or no more than five

10.24.020

hundred dollars (\$500.00) a day together with court costs and reasonable attorney fees for enforcement of this chapter.

I. No dogs.

(Amended during 2003 codification; Ord. 2001-6 § 2: prior code § 12.60 (part))



**Title 11**

**(RESERVED)**



## **Title 12**

### **STREETS, SIDEWALKS AND PUBLIC PLACES**

#### **Chapters:**

- 12.04 Streets and Sidewalks Generally**
- 12.08 Excavations**
- 12.12 Street and Sidewalk Occupancy Permits**
- 12.16 Village Parks Generally**
- 12.20 Durham Park Swimming Pool**



## Chapter 12.04

### STREETS AND SIDEWALKS GENERALLY

#### Sections:

- 12.04.010** Names of streets.
- 12.04.020** Numbering buildings.
- 12.04.030** Damage to streets.
- 12.04.040** Encroachments on street.
- 12.04.050** Obstructing streets.
- 12.04.060** Materials in streets.
- 12.04.070** Advertising on streets.
- 12.04.080** Debris in streets.
- 12.04.090** Laying of pipe in streets.
- 12.04.100** Moving structures.
- 12.04.110** Trees.
- 12.04.120** Snow on sidewalks.
- 12.04.130** Burning leaves and rubbish.
- 12.04.140** Driveways.

#### **12.04.010** Names of streets.

All streets of the village shall be known and designated by the names applied hereto, respectively, on the map of the village kept on file in the office of the village clerk and the street names designated on such map shall continue to be the names of streets unless and until changed by ordinance of the board of trustees. (Prior code § 6.01)

#### **12.04.020** Numbering buildings.

All buildings on streets of the village shall be numbered on a map prepared by the village engineer, which map shall be kept on file in the office of the village clerk. (Prior code § 6.02)

#### **12.04.030** Damage to streets.

No person shall damage or deface any street, alley, sidewalk, public way, park or

other village or public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon, except as may be authorized by the village. (Prior code § 6.03)

#### **12.04.040** Encroachments on street.

A. No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk or public way except by permit from the board of trustees. Application for such permit shall describe the nature of the encroachment in such detail as the board of trustees shall require. The board in its discretion may issue or deny the permit, and may impose any conditions to such permit as it deems appropriate.

B. Awnings made of pliable substance attached to a building and extending not less than seven feet above the surface of the sidewalk may be erected, and maintained without a permit.

C. Any encroachment on any street, alley, sidewalk or public way shall be maintained so that it does not endanger or obstruct the public.

D. Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the village. (Prior code § 6.04)

#### **12.04.050** Obstructing streets.

A. No person shall obstruct or endanger, the free passage or proper use of the public on any street, sidewalk, alley or public place, except as may be permitted by this chapter.

B. Goods, wares and merchandise may be placed on sidewalks for such reasonable time as may be necessary while loading and unloading, provided pedestrian traffic is not totally obstructed. (Prior code § 6.05)

12.04.060

**12.04.060 Materials in streets.**

A. No person shall place any materials on or over any street, sidewalk or public place without a permit therefor from the board of trustees.

B. The permittee shall conform to all conditions the village may impose upon granting of the permit. (Prior code § 6.06)

**12.04.070 Advertising on streets.**

No person shall paint or post any signs or bills on any streets, poles or other structures in any street or on the surface of any street or sidewalk. (Prior code § 6.07)

**12.04.080 Debris in streets.**

A. No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park, or public place, except building materials and merchandise as permitted under this chapter, or as may be permitted by the village president.

B. No person shall deposit dead tree leaves or grass clippings on any curbed street in the village.

C. Any person violating this section shall be liable for the cost of removal of the foreign matter in addition to the penalty provided for violation of this code. (Prior code § 6.08)

**12.04.090 Laying of pipe in streets.**

A. Permit. No sewer, water pipe, conduit pipe, gas pipe, wire or cable for conveying electric current nor any street or alley pavement, sidewalk, or other like improvement shall be placed, laid or maintained in, under, or upon any street, alley, sidewalk, easement of passage or public place, except improvements constructed under special assessment proceeding, unless a permit authorizing the same has been issued by the village.

B. Location of Gas Pipes. Any gas pipes when placed in any public street or alley shall be laid so that there will be no interference with sewers or water pipes, and before any pipes are laid, permission must be secured from the village and same must be placed in a portion of the street or alley as may be directed by the village.

C. Map to be Filed. Every gas company that lays down gas pipes in any public street or alley shall make and file with the village clerk an accurate map showing the exact location of every line of pipe laid by it, which map shall be accessible for public inspection and shall be kept constantly revised to show any changes or additions. (Prior code § 6.10)

**12.04.100 Moving structures.**

No person shall move any building or structure on any street without a permit from the village president. The president may impose such conditions as he or she deems appropriate to protect the village and the public, upon granting such permit. The applicant for such permit shall deposit five hundred dollars (\$500.00) in cash with the village clerk as security for the protection of the streets and other village property. (Prior code § 6.11)

**12.04.110 Trees.**

A. No person shall plant, trim or remove any tree or shrub in any street or parkway or other public place without a permit therefor from the village president. The village president shall approve the species of tree to be planted.

B. No person shall injure any tree or shrub planted in any street, parkway or public place. No person shall attach any sign or wire to any such tree or shrub without permission of the village president.

C. No person shall permit any tree or shrub on his or her property to overhang any street, sidewalk or other public place so as to interfere with the public use of such ways, or to obstruct the vision of drivers of vehicles at intersections. Any dead limb of a tree overhanging a public way shall be removed by the owner of the tree. (Prior code § 6.12)

**12.04.120 Snow on sidewalks.**

The person occupying the ground floor of any building, the user of any lot without a structure thereon, and the owner of any vacant building or other premises shall remove the snow and ice accumulating on the abutting sidewalks within twenty-four (24) hours after any snowfall has ceased. If snow or ice cannot be removed, the surface shall be sanded or otherwise treated to lessen the hazard for pedestrians until the climate permits removal. (Prior code § 6.13)

**12.04.130 Burning leaves and rubbish.**

No person shall burn any leaves, paper, rubbish or other substances upon any street, sidewalk, or alley. (Prior code § 6.14)

**12.04.140 Driveways.**

A. No person shall construct a driveway entering any street without a permit therefor from the village president. The fee for such permit shall be as determined by the board of trustees.

B. Culverts shall be required at the point of the entrance of the driveway to the public road. The length and width of the culvert shall be in accordance with good engineering standards and subject to the approval of the village engineer. In the event driveways are altered where there have been no previous good engineering standards, new culverts shall be installed by the owner of the property. The

culverts shall be of a length and width determined by good engineering standards and subject to the approval of the village engineer. The cost of twenty (20) feet of culvert with rock or gravel fill shall be borne by the village.

C. If in the judgment of the village engineer, culverts are needed to remove any obstructions to the drainage ditches, the village shall install a culvert of the size and length determined according to good engineering standards set by the village engineer. The cost of such culvert shall be borne by the village. The village shall bear the cost of installation and regravelling or repaving of that portion of any driveway that may be affected by the installation of such culvert. (Prior code § 6.15)

**Chapter 12.08**

**EXCAVATIONS**

**Sections:**

**12.08.010 Excavations and work in streets.**

**12.08.010 Excavations and work in streets.**

A. Permit. No person shall change the grade or level, or injure or tear up any pavement of any street, sidewalk, crosswalk or curb, or any part thereof, dig any hole, trench, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street or public ground in the village without first obtaining a permit from the office of the village clerk as hereinafter provided. Before such permit shall issue, it shall first be approved by the board of trustees and, in the event that the permit is obtained for the purpose of making a connection to a sewer or water facility of the village located in any public street, the superintendent of public works may, if practical, require the applicant to tunnel or auger instead of removing or injuring the pavement.

B. Protection of Village. Any applicant using or excavating any portion of any street pursuant to the issuance of a permit shall save and keep the village free, clear and harmless from any loss or liability on account of any accident or damages resulting from such excavation or work, and shall enter into a hold harmless agreement with the village to this effect at the time the permit is issued. The applicant shall fully remove all material, dirt and rubbish from the space so occupied, and restore such street to its original condition immediately upon the expiration of the period named in the permit.

C. Repairing and Replacing Excavations. The person excavating in any street or public place shall, if required by the superintendent of public works to do so, immediately upon completion of the work, and as fast as practicable during the accomplishment thereof, return the earth, ram and pack down the same as fast as practicable to a firm and solid bearing state and in a manner, if possible, that will entirely prevent any settling of such earth. Such work shall be done to the satisfaction of the superintendent and under his or her direction. The superintendent may adopt proper rules and regulations for such relaying and replacing of such pavements and material. The superintendent may relay all pavement caused by any street opening other than those openings specifically required to be relayed by others or by the board of trustees from time to time.

D. Protected Excavations and Obstructions—Lights at Night. It shall be the duty of any person engaged in digging or working upon a street or public place, or who places building materials on any street or public place, where such work is left exposed would be dangerous to pedestrians, to erect a fence, barricade or railing at such excavation or work in such manner as to prevent danger to pedestrians. It shall be the duty of such person to place suitable and sufficient lights upon such railing or fence at sunset in the evening, and keep them burning through the night.

E. Liability for Damages. Any person performing any of the work mentioned in this section shall be liable for any damage which may be occasioned to persons or property by reason of carelessness connected with the work.

F. Village Excavations. Whenever a street or other public place is excavated by the vil-



lage, the village shall erect and maintain the fencing and lights required by this section.

G. Notice to Village. Whenever any public street is obstructed or rendered impassable for vehicles by an excavation therein, or by the occupation thereof by building materials, or by any house in the process of moving, the person so obstructing such street shall immediately notify the village clerk of the location of such excavation or other obstruction, and of any change therein from day to day, during the progress of the work causing such obstruction. (Ord. 2003-1 § 2 (part); prior code § 6.09(a), (c)—(h))

**Chapter 12.12**

**STREET AND SIDEWALK  
OCCUPANCY PERMITS**

**Sections:**

**12.12.010 Builders occupying street.**

**12.12.010 Builders occupying street.**

A. Permission. Builders may occupy such portion of the public street and sidewalk abutting upon and adjacent to such buildings for private use in connection with the actual building operations under such permit as is required, subject to the supervision and direction of the superintendent of public works.

B. Materials on Streets. No materials except those required for immediate use in connection with a building or structure, or the alteration or repair thereof, shall be placed upon the street or sidewalk abutting upon or adjacent to such building. As soon as such building or structure is under roof, all materials shall be placed within the lot line, and the street and sidewalk cleaned and placed in the same condition as before the beginning of building operations under such permit.

C. Area Used—Temporary Walks. No more than one-half the space between the center line of the street and the lot line of the premises upon which such building alterations or repairs are being conducted under such permit, and no more than one-third the width of any public sidewalk, shall be occupied under such permit; provided the full width of the sidewalk may be occupied by the consent of the superintendent of public works, and the providing of a temporary walk leading around the obstructed portion of the sidewalk connecting with the permanent walk at either end thereof. Such temporary walk shall be constructed to the satisfaction of the superinten-

dent of public works, and it shall be his or her duty to cause the same to be made safe and secure for public travel upon the same.

D. Access to Hydrants and Drains. No building material, temporary walk or obstruction shall be placed so as to render inaccessible access to, or obstruct any fire hydrant, manhole, catch basin, or vault, or render impassable to vehicles any street, alley or public way.

E. Cleaning Walk. The holder of such permit shall at all times during the work thereunder, maintain the portion of the permanent sidewalk reserved or the temporary walk above provided for, in a safe condition and clear of all material, rubbish, dirt or snow.

F. Barriers. The permit holder shall erect and maintain a sufficient and suitable fence, railing or barricade to guard all excavations, embankments or obstructions along the street, obstructed during the time he or she shall occupy the same under such permit.

G. Lights. The permit holder shall place and maintain proper and sufficient red lights or tallow pots on each end of every such obstruction or excavation and at intervals of fifty (50) feet along the same at night. No person shall remove, extinguish or disturb the lights or pots.

H. Obstructing Gutters. The permit holder shall at no time obstruct the gutter or waterway of any street so as to prevent free passage of water along the street, and if any gutter is shaded or covered so that ice accumulated therein, he or she shall clear the gutter of such ice so as to allow the water to pass freely at all times. (Prior code § 6.16)

## Chapter 12.16

### VILLAGE PARKS GENERALLY

#### Sections:

- 12.16.010 Protection of park property.**
- 12.16.020 Operating policy.**
- 12.16.030 Use of park areas.**
- 12.16.040 Tennis and basketball court regulations.**
- 12.16.050 Enforcement of regulations.**

#### **12.16.010 Protection of park property.**

A. Damaging. No person in a park in the village shall wilfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, swimming pool equipment, fireplaces, railings, paving or paving material, waterlines 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. Rest Rooms and Washrooms. No person in a park shall fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the rest rooms and washrooms designated for the opposite sex.

C. Sanitation. No person in a park shall 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 the waters.

D. Refuse. No person shall bring in, have brought in to a park, or dump, deposit or leave in a park any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such 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 properly disposed of elsewhere. (Prior code § 8.01)

#### **12.16.020 Operating policy.**

A. Hours. The village park shall be open daily to the public during the hours of six a.m. to eleven p.m. of any day; and it is unlawful for any person other than village personnel conducting village business therein to occupy or be present in the park during any hours in which the park is not open to the public, except as amended by the park committee upon issuing an application as prescribed in subsection C of this section.

B. Any section, or part of the park, may be declared closed to the public by the president of the board of trustees at any time and for any interval of time, either temporarily or at regular or stated intervals.

#### C. Group Activity.

1. Whenever any group, association or organization desires to use the park facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of the group, association or organization shall get permission from the park committee chairperson for such purpose. The board of trustees may adopt an ap-

## 12.16.030

plication form to be used by the chairperson for such situations, and assess a reasonable fee for the issuance of such permission.

2. The village clerk shall grant the application if it appears that the group, association, or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the village from any liability of any kind or character and to protect village property from damage, and shall contain such a provision if the swimming pool is to be utilized by the group.

3. This subsection shall not apply to any group, association, or organization not exceeding one hundred (100) persons.

D. Picnic Tables. Picnic tables may be removed from the park upon receipt of oral permission from the park committee chairperson. (Prior code § 8.02)

### **12.16.030 Use of park areas.**

A. Regulated. No person in a park shall picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

B. Nonexclusive Use. No person shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

C. Duties of Picnickers. Without permission from the board of trustees, it is unlawful for any person to build, light or maintain any fire: (1) so close to any building or other structure as to endanger such building or structure; (2) on any public street, sidewalk or pavement; (3) in or on the public property connected with the Durham Park Swimming Pool; or (4) in any park. The term "fire," as used in this subsection, shall not be construed to mean or include a fire in a furnace; stove; boiler; fireplace; charcoal burner; grill or braizer; or in other flame-enclosed facilities constructed of suitable fireproof materials. No person shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles which are provided. All such trash shall be carried away from the park area by the picnicker and be properly disposed of elsewhere. (Prior code § 8.03)

### **12.16.040 Tennis and basketball court regulations.**

A. In addition to provisions of this chapter relating to general park conduct, the following regulations apply specifically to the tennis and basketball courts:

1. All persons shall conduct themselves as to allow the maximum enjoyment of the court by other players;

2. There shall be no use of indecent or profane language;

3. Unless team play is feasible, no person shall occupy or use any court or basketball net in excess of one hour from the time a request to surrender such court or net is given;

4. No stones, trash, rubbish, garbage, or refuse of any kind shall be thrown on to court areas;

5. No person shall be allowed to enter upon or occupy any court areas while under the influence of intoxicating liquor;

6. No person shall eat food, smoke, or chew tobacco while occupying or using any court area;

7. No person shall drive or park any automobile, truck, motorcycle, or other motor vehicle, or any bicycle, stroller, tricycle, or similar device propelled by human power, on any court area;

8. No person shall use the courts for any sport or activity other than tennis or basketball, without the expressed written permission of the park committee chairperson.

B. Penalties. Any person who violates subsection A of this section shall, in addition to other penalties provided in this code, be ejected from the court area and forbidden to use court facilities for the remainder of the day. (Prior code § 8.06)

**12.16.050 Enforcement of regulations.**

The village president and board of trustees shall enforce the provisions of this chapter. In addition to penalties herein provided, violators may be expelled from court, pool or park area for the remainder of the day. (Prior code § 8.07 (part))

**Chapter 12.20**

**DURHAM PARK SWIMMING POOL**

**Sections:**

**12.20.010 General regulations.**

**12.20.020 Parking.**

**12.20.010 General regulations.**

A. Hours. The Durham Park Swimming Pool shall be open daily to the public during the hours of one p.m. through nine p.m. of any day; and it is unlawful for any person other than village personnel conducting village business therein to occupy or be present in the Durham Park Swimming Pool during any hours in which the Durham Park Swimming Pool is not open to the public, except as amended by the park committee upon issuing an application as prescribed in Section 12.16.020(C).

B. Closing. Any section or part of the pool may be declared closed to the public by the president of the board of trustees or by the pool manager at any time and for an interval of time, either temporarily, or at regular or stated intervals.

C. Group Activity. Group activity in the Durham Park Swimming Pool shall be permitted as provided in Section 12.16.020(C).

**D. Pool Use Regulations.**

1. Ladies and girls must wear bathing caps;
2. Soap baths will be taken before entering;
3. No one with open sores permitted in pool;
4. No inner tubes allowed;
5. No running, pushing or horseplay in or around pool;
6. No throwing of any material;

7. No smoking in dressing rooms or in pool area;

8. No refreshments or glass articles in dressing rooms or pool area;

9. Suits or towels not provided by pool;

10. Not responsible for valuables or injuries in or around pool area;

11. Children under age ten (10) not admitted to baby pool unless accompanied by parent or responsible adult.

E. Lifeguard Qualifications. All full-time lifeguards shall be at least sixteen (16) years of age and have either senior or advanced Red Cross lifesaving qualifications. Part-time guards shall be at least fifteen (15) years of age and have senior, advanced or junior Red Cross lifesaving (which does not include basic water safety and rescue course).

**F. Pool Manager.**

1. The manager of the Durham Park Swimming Pool shall be at least twenty-one (21) years of age and shall have a W.S.I. or senior or advanced Red Cross lifesaving qualifications. The manager shall have the responsibility and duty of hiring and dismissal of all pool personnel, subject to approval by the board of trustees. Upon hiring, the manager shall present to each employee, a detailed list of duties to be performed when in the employ of the pool.

2. The manager shall enforce the provisions set forth in this chapter.

G. Weather. The pool shall be closed to the public when the air temperature is below seventy (70) degrees or the water temperature is below seventy-two (72) degrees. When severe thunderstorm or tornado warnings have been disseminated by local civil defense personnel through the news media, or when lightning or high winds threaten the safety of pool patrons, the pool manager may, by self-discretion, close the pool to the public as pro-

vided in subsection B of this section. (Prior code §§ 8.04, 8.07 (part))

**12.20.020 Parking.**

No person shall drive or park a motor vehicle anywhere on the concrete areas surrounding the Durham Park Swimming Pool, between marked "No Parking" signs near the pool entrance, on the tennis court, baseball and softball diamonds, shuffleboard courts, football field, and in the pavilion, on any marked fire lanes of the Durham Park and Pool, or on any grass areas where people have congregated or the ground will not support the weight of the vehicle. (Prior code § 8.05)





## **Title 13**

### **PUBLIC SERVICES**

#### **Chapters:**

- 13.04 Water Service System**
- 13.08 Sewer System**
- 13.12 Cross-Connection Control**
- 13.16 Groundwater Protection**
- 13.20 Waterworks and Sewerage System**



## Chapter 13.04

### WATER SERVICE SYSTEM

#### Sections:

- 13.04.010 **Water department—  
Established—  
Management.**
- 13.04.020 **Definitions.**
- 13.04.030 **Application for  
connection.**
- 13.04.040 **Application for service.**
- 13.04.050 **Meters.**
- 13.04.060 **Metered service.**
- 13.04.070 **Meter failure.**
- 13.04.080 **Access to premises.**
- 13.04.090 **Water rates.**
- 13.04.100 **Water services outside  
corporate limits.**
- 13.04.110 **Liability of customers for  
payment of bills.**
- 13.04.120 **Bills and payments for  
service.**
- 13.04.130 **Complaints.**
- 13.04.140 **Rules governing service.**
- 13.04.150 **Turning on water or  
resetting meters.**
- 13.04.160 **Fire service.**
- 13.04.170 **Water use regulations.**
- 13.04.180 **Liability of village.**
- 13.04.190 **Obstructing or injuring  
waterworks.**
- 13.04.200 **Unauthorized use of  
water.**
- 13.04.210 **Form of notice.**
- 13.04.220 **Lien.**
- 13.04.230 **Foreclosure of lien.**
- 13.04.240 **Restricted areas—  
Nuisance—Penalty.**
- 13.04.250 **Resale of water.**
- 13.04.260 **Violation—Civil liability.**

#### 13.04.010 **Water department— Established—Management.**

There is established an executive department of the village to be known as the water department, and the president is authorized to appoint, subject to confirmation by the board of trustees, a superintendent of the water department and all other necessary employees, and the superintendent shall have the general management and control of the waterworks system of the village, subject however, to the supervision of the board of trustees. (Prior code § 9.01)

#### 13.04.020 **Definitions.**

As used in this chapter:

“Customer” or “consumer” mean the party contracting for water service to a property as herein classified, and a separate contract shall be required for each property described as follows:

1. A building under one roof owned by one party and occupied by one person or family as a residence;
2. A building under one roof owned by one party and occupied by one person, firm or corporation as one business;
3. A combination of buildings in one common enclosure owned by one party and occupied by one person or family as a residence;
4. A combination of buildings in one common enclosure owned by one party and occupied by one person, firm or corporation as one business;
5. The one side of a double house having a solid vertical partition wall;
6. A building owned by one party of more than one apartment and using a common hall;
7. A building owned by one party and having a number of offices which are rented

to tenants using in common one hall and one or more means of entrance:

8. A single lot, or park, or playground; or
9. Each house in a row of houses.

“Owner” means the person, firm, corporation or association having the sole interest, in any premises which is, or is about to be supplied with water service by the village, and the word “owners” means all so interested.

“Tenant” means anyone occupying a premises under lease, oral or written, from the owner and obtaining water service from the mains of the village with the consent of his or her landlord. (Prior code § 9.02)

**13.04.030 Application for connection.**

A. All applications for water service pipes must be made at the office of the village in writing, on forms furnished by the village, by the persons or parties desiring same, and must state truly and fully the uses to which the water is to be applied, and the correct lot and street number of the premises to be supplied. All applications must be signed by the owner of the premises to be supplied or his or her duly authorized agent, and be accompanied with a three hundred dollars (\$300.00) connection fee.

B. The service pipe from main to property line, curb stop and curb box shall be furnished and placed by the village or its agent, at the village’s expense.

C. The remainder of the service pipe shall be installed by a licensed plumber at the expense of the applicant; and the materials and installation shall conform to reasonable specifications prescribed by the village.

D. Whenever a plumber has completed work on a new installation he or she shall leave the water turned off.

E. A service pipe will be used to supply a single premise only, and no premises shall be

supplied by more than one service pipe unless private fire protection service is also desired.

F. Curb stops and line stops in branch service pipes are for exclusive use of the village.

G. Service pipes will not be installed where any portion of the pipe must pass through lands, buildings, or parts of buildings which are not the property of the applicant unless applicant, in writing, assumes the liability.

H. Application for service pipes will be accepted subject to there being a village main adjacent to the premises to be served and does not obligate the village to extend its mains to serve the premises for which water service is desired.

I. No application for a service pipe installation will be accepted between November 1st and April 1st, unless the applicant agrees to pay any excess cost that may be due to weather conditions during that period.

J. The village will repair all leaks in the service pipes from the main to the curb stop. Beyond the curb stop the property owner is responsible for all leaks and the same must be repaired by him or her. When such defects or leaks are discovered, consumer will be notified and if such defects or leaks are not repaired within reasonable time, the water may be turned off, with or without further notice. (Prior code § 9.03)

**13.04.040 Application for service.**

A. A new application must be made and approved by the village upon any change in tenancy where the tenant has contracted for the water service or in ownership when the owner has contracted for the water service. Where such change is made without giving the village notice within forty-eight (48) hours after such change, the new tenant or owner may be held responsible for the payment of all

water service from the last previous billing date.

B. When application is made by any tenant, the village clerk shall require a cash deposit of one hundred dollars (\$100.00) irrespective of size of the applicant's bill, to secure the payment of the bills. The deposit of an owner will be refunded after a two-year period of service. A tenant's deposit will be kept until tenant move-out. When the service is discontinued upon request by the consumer, the deposit, less unpaid bills, will be refunded, upon request to the village clerk. When service is discontinued for nonpayment of bills or for violation by the consumer of the rules and regulations, the village may apply such deposit against the account of consumer and the balance, if any, will be refunded. In lieu of a deposit the applicant may furnish a guarantor for his or her bill.

C. No agreement will be entered into by the village with any applicant for water service, whether owner or tenant, until all arrears and charges due by the applicant for water service or other services at any premises now or heretofore owned or occupied by him or her shall have been paid.

D. The village clerk shall require all applications for service to be signed by and contracted by both the property owner and property tenant, if any.

E. When an application for a new service pipe, or water service, or the reinstatement of water service is filed with the village, it is assumed that the piping and fixtures, which the service will supply, are in order to receive same, and the village will not be liable in any event for any accident, breaks, or leakage, arising in any way in connection with the supply of water or failure to supply same.

F. When application is made for a mobile home park, a deposit must be made by the

home park operators. The home park operators must deposit twice the average monthly water billings. (Ord. 97-12 § 1; Ord. 97-1 § 1: prior code § 9.04)

#### **13.04.050 Meters.**

All water consumers supplied by the village shall be supplied through meters only, and shall pay for the water consumed at the rate and in the manner hereinafter specified. (Prior code § 9.05)

#### **13.04.060 Metered service.**

A. The village shall, on the customer's request, furnish and install for each customer a three-fourths inch size meter and such service appliances as are customarily furnished by the village in order to connect the customer's house piping with the service pipe, except where meters are installed in special settings outside of buildings in chambers, or patent boxes, when the excess cost of installation shall be paid by the customer.

B. Meters shall be conveniently located at the point approved of by the village in a meter well at the property line so as to control the entire supply. A stop and waste or gate valve shall be placed on the service line on the street side of and near the meter, and a stop and waste or valve on the house side of the meter. A suitable check valve shall be placed between the stop and waste or valve and the meter if required by the village. Upon request by a property owner, the water meter may be placed at any convenient point on the property.

C. If a check valve is required, a safety valve should be inserted at some convenient point on the house piping to relieve the excess pressure due to heating water.

D. Meters will be maintained by the village so far as ordinary wear and tear are con-

cerned, but damage due to hot water or external causes shall be paid for by the customer.

E. No water meter shall be placed in service, nor allowed to remain in service if it registers more than one hundred two (102) percent of the water passed or less than ninety-eight (98) percent.

F. The village reserves the right to move and test any meter at any time, and to substitute another meter in its place. In case of a disputed account involving a question as to the accuracy of a meter, such meter will be tested upon the request of the customer without charge, providing a satisfactory test can be made in service. If removed for test, a charge of twenty-five dollars (\$25.00) shall be made for sizes up to and including one inch, and larger in proportion, payable in advance of the test. In the event that the meter so tested is found to have an error in registration in excess of two percent, the fee advanced for testing will be refunded, and the bills shall be corrected accordingly on the basis of one half the time since the previous test. This correction shall apply both for over and under registration.

G. Where water is furnished by flat rate, the village shall have the right to install, maintain and inspect a meter to determine the quantity supplied and the applicant shall provide a suitable location therefor. The village reserves the right to change from flat rate service to metered service at any time under uniform, nondiscriminatory rules.

H. Metered Service. Any application for connection to the village water system shall incur a five hundred dollar (\$500.00) tap on fee for a three-fourth inch tap. If the connection is one inch the fee shall be seven hundred fifty dollars (\$750.00). If the connection is in excess of one inch the fee shall be seven hundred fifty dollars (\$750.00) plus the actual cost of the tap. (Ord. 2002-05 § 1; Ord. 99-4 § 1; prior code § 9.06)

#### **13.04.070 Meter failure.**

Whenever any meter, by reason of its being out of repair, or for any cause, fails promptly to register the water passing through the same, the consumer shall be charged at the rate shown for the corresponding time of the previous year exists, then it shall be the duty of the superintendent of the water department to estimate or determine so far as he or she can the amount of water consumed during the time such meter fails to operate, and the consumer shall pay the amount so estimated. (Prior code § 9.07)

#### **13.04.080 Access to premises.**

The village and its employees shall have ready access to the premises, places or buildings where meters are located for the purpose of reading, examining, testing and repairing the same, and examining and testing the consumption, use and flow of water, and it is unlawful for any persons or corporation to interfere with, prevent, or obstruct the village or its duly authorized agent, in its duties hereunder. Every consumer of water shall take the same upon the conditions prescribed in this section. (Prior code § 9.08)

#### **13.04.090 Water rates.**

The following shall be the rates for water supplied through meters, and shall be payable as provided in this chapter:

A. For the first one thousand (1,000) gallons or less of metered water the rate shall be eight dollars (\$8.00) monthly.

B. For each one thousand (1,000) gallons of metered water and each fractional portion of one thousand (1,000) gallons of metered water monthly in excess of one thousand (1,000) gallons, the rate shall be four dollars (\$4.00) per thousand monthly. (Ord. 2007-02 § 2; Ord. 2001-3 § 1; prior code § 9.09)

**13.04.100 Water services outside corporate limits.**

No service shall be supplied by the waterworks system outside the corporate limits of the village, unless each user thereof outside the corporate limits pays an additional fifty (50) percent of all charges set forth in this chapter for users of the services within the corporate limits of the village. No new users outside the corporate limits shall be accepted and no further extensions of service shall be made outside of the corporate limits, unless the same shall have been approved by the board of trustees. (Ord. 2007-3 § 2; Ord. 83-6; prior code § 9.09 1/2)

**13.04.110 Liability of customers for payment of bills.**

Customers are liable for payment for all water used on premises until notice has been received in the village's office that the use of the water is no longer desired. Customers are liable for all water shown to have passed through the meter, whether by use, wastage, or leakage. Where more than one tenant is supplied through a meter, the application for the water service must be made by the owner of the property. (Prior code § 9.10)

**13.04.120 Bills and payments for service.**

A. All accounts shall be paid at the office of the village clerk.

B. Bills and notices will be mailed or delivered to the customer's last address as shown by the records of the village, when due, but failure to receive a bill does not relieve customer from obligation to pay the bill. All bills for water usage become delinquent twenty-one (21) days after the date of the bill and service may be discontinued by the village at will without any further written or ver-

bal notice by the village to the water user following the twenty-one (21) day period, unless the water bills are paid according to the notice. All delinquent water bills bear twenty-four (24) percent interest per year from the date of delinquency. A fraction of a month is a full month.

C. When the last day for payment of the net bill falls on a Sunday or a legal holiday the time for payment of the net bill is automatically extended to include the first full business day following.

D. Bills for metered service shall be rendered twice yearly, for each six-month period ending March 31st and September 30th and shall show the readings of the meter at the beginning and end of the period for which the bill is rendered. Bills shall be sent within twenty (20) days following the close of each six-month billing period. Estimated bills for water usage shall be rendered twice yearly for each three-month period ending June 30th and December 31st and shall show an estimated reading of the meter at the beginning and end of the three-month period for which the bill is rendered, based upon the most recent billing period in the same portion of the year prior to the date of the bill. Such bills shall be sent within twenty (20) days following the close of each three-month billing period. The six-month bills rendered twice yearly for actual metered service referenced herein shall include as a credit the portion of the estimated reading three-month bill payment actually received by the village during the six-month period.

E. The basis for computing bills for metered service shall be the same as indicated by the meter dials.

F. In cases where the meter cannot be read for any cause, the village will require a payment on account equal to the usual, customary or estimated bill for such premises based upon

the same or like period of billing during the previous year.

G. In case where, for any cause, meter cannot be read for a period exceeding three months, the village will turn off the water upon ten (10) days written notice of its intentions to do so, unless the consumer or customer makes access to the meter possible.

H. The quantity recorded by the meter shall be taken to be amount of water passing through the meter, which amount shall be conclusive to both the customer and the village, except when the meter has been found to be registering inaccurately, or has ceased to register. In such cases, the quantity may be determined by the average registration of the meter in a corresponding past period when in order, or by the average registration of the new meter, whichever method is representative, in the village's opinion of the conditions existing during the period in question.

I. No rebates from rates will be allowed for partial use of water from wells, cisterns, etc. (Ord. 2005-3 § 1; Ord. 2/6/89 § 1: prior code § 9.11)

#### **13.04.130 Complaints.**

Complaints with regard to the character of the service furnished, or of the reading of meters, or of the bills rendered must be made at the village's office, either verbally or in writing and a record of such complaint will be kept by the village, giving the name and address of the complainant, the date, the nature of the complaint and the remedy. (Prior code § 9.12)

#### **13.04.140 Rules governing service.**

A. When the supply of water is to be temporarily cut off, notice will be given when practicable, to all customers affected by the shutting off, stating the probable duration of

the interruption of service and also the purpose for which the shutoff is made.

B. In the interest of public health, the village will not permit its mains or services to be connected on any premises with any service pipe or piping which is connected with any other source of supply. Nor will the village permit its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus which contains liquids, chemicals, or any other matter which may flow back into the village's service pipe or mains and consequently endanger the water supply.

C. The village undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure, but reserves the right, at any time, without notice, to shut off the water in its mains for the purpose of making repairs or extensions, or for other purposes; and it is expressly agreed that the village shall not be liable for a deficiency or failure regardless of cause, in the supply of water or in the pressure, nor for any damage caused thereby, or by the bursting or breaking of any main or service pipe or any attachment to the village's property. All applicants having boilers upon their premises depending upon the pressure in the village's pipes to keep them supplied are cautioned against danger of collapse and all such damage must be borne exclusively by the consumer or customer.

D. The village shall require all new customers who desire both regular water service and fire protection to install separate service lines, one to be used solely for private fire protection. The village may require all present consumers who have only one line for this dual service to install separate lines, all reasonable expenses incurred in making such change being paid for by the customer. The village will not permit the use of water from



separate fire protection lines except for the extinguishing of fires or for fire drills.

E. The village shall have the sole right to determine the size of meters, valves, service lines, and connections necessary to give the service applied for.

F. A supply of water for building or other special purposes must be specially applied for.

G. All use of water other than by the applicant, or for any purpose or upon any premises not stated or described in the application, must be prevented by him or her. The applicant will be liable for the amount of water used in conformity with the schedule of rates or tariffs of the village.

H. Services may be discontinued for any of the following reasons:

1. For the use of water for any other property or purpose than that described in the application;
2. For misrepresentation in application as to property or fixture to be supplied;
3. For waste of water;
4. For molesting any service pipe, meter, curb stop, or seal or other appliances of the village;
5. For continued vacancy of the premises;
6. For nonpayment of water service, or any other charges accruing under the application;
7. For cross-connecting the village service pipe with any other source of supply or with any apparatus which may endanger the quality of the village's water supply;
8. For refusal of reasonable access to property for purpose of inspecting, or for reading, repairing or removing meters;
9. For violation or refusal to comply with the rules and regulations of the village;
10. For refusal to install and maintain an air chamber on plumbing installations where inspection proves their necessity.

I. If a customer whose service has been discontinued for nonpayment of bills or for violation of the rules and regulations of the village, desires a reconnection, such reconnection will only be made after the customer has:

1. Made a deposit to insure future payment of bills. (In cases only where no deposit was originally made);
2. Has paid all unpaid bills for water service;
3. Has paid a reconnection fee of twenty-five dollars (\$25.00);
4. Has corrected any condition found objectionable under the rules and regulations of the village. (Prior code § 9.13)

#### **13.04.150 Turning on water or resetting meters.**

A charge of twenty-five dollars (\$25.00) will be made for turning on water or resetting a meter where the service has been discontinued due to violation of these rules and regulations. (Prior code § 9.14)

#### **13.04.160 Fire service.**

A. No person, except the superintendent or other authorized person, shall take water from any public fire hydrant, hose plug, street washer or fountain pipe, except for fire purposes or for the use of the fire department in case of fire; and no public fire hydrant shall be used for sprinkling streets, flushing sewers or gutters or for any other than fire purposes except with the approval of the village.

B. All hydrants, valves and main connections will be installed and maintained by the village.

C. Requests for the installation of public fire hydrants must be made by petition for an ordinance specifying the exact location of the required hydrant.

13.04.170

D. Because of the investment required to install fire hydrants, a hydrant once installed cannot be ordered out unless replaced at another location on existing mains and in such cases the cost of moving and reinstalling must be paid by the applicant. (Prior code § 9.15)

**13.04.170 Water use regulations.**

The following rules and regulations for the consumers of water and for plumbers are adopted and established:

A. Where water is used for steam boilers or other uses where a stoppage of water supply might cause damage, the consumers are cautioned that it is impossible for the village to guarantee a continuous supply of water, and that therefore if such a supply is necessary, consumer should arrange for adequate storage capacity.

B. In the case of temporary consumers, including contractors, desiring water for construction purposes, the village may require a deposit equal to the estimated cost of making the connections to furnish such service and upon discontinuance of such service a refund shall be made equivalent to the difference between the actual cost of making such connection and the salvage value of the materials reclaimed.

C. Water will not be furnished where pipes are inferior, the plumbing defective, or the faucets, water-closets or other fixtures leaky or imperfect, and when such conditions are discovered, the supply of water will be cut off, or a meter installed, unless immediate repairs are made.

D. Title to all services from main to curb, meters, and meter installations, is vested in and the same shall at all times remain the sole property of the village and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the vil-

lage and may be removed or changed by it at any time.

E. Curb stops shall not be used by the consumer for turning on or shutting off the water supply. The control of the water supply by the consumer, shall be by means of a separate stop, located in general, just inside the building wall. Curb stops are for the exclusive use of the village.

F. If it becomes necessary to repair or replace an existing meter installation the new meter installation will be made according to these regulations.

G. Where two or more customers are supplied through a single service pipe, any violation of the rules of the village with reference to either or any of the customers shall be deemed a violation as to all, and the village may take such action as may be taken for a single customer.

H. All employees of the village whose duty compels them to enter the property, shall upon request, show their credentials and emblem of authority.

I. If the village finds that a meter seal has been broken, or any bypass inserted, or there is evidence that the meter has been tampered with, the water will be shut off and shall not be turned on again until the customer has paid for the estimated quantity of water which has been used and not registered plus the cost to restore the meter to proper working order and any other necessary expense.

J. The village board reserves the right at any time to alter, amend or add to these rules and regulations or to substitute other rules and regulations, provided that no such changes shall ever be made to impair, impede or diminish the security and source of payment of any bonds of the village payable from the income and revenues of the waterworks system.

K. The village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the village in case of fire, and for restricting the use of the water in case of deficiency in supply. No claim shall be made against the village by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections or repairing any part of the waterworks system, or from failure of the water supply, or by increasing the water pressure at any time, or from concentration or restricted use of water as above.

L. The right is reserved to suspend the use of lawn fountains and hoses for lawns and gardens whenever, in the opinion of the board of trustees, public exigencies require it.

M. No water consumer may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in the application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with the work upon the premises for alterations, repairs, extensions or attachments without a written permit therefor to be issued by the superintendent of the water department. (Prior code § 9.16)

**13.04.180 Liability of village.**

All connections and water applied for hereunder, and all the water used hereunder, shall be upon the express condition that the village shall not be liable, nor shall any claim be made against it, for damage or injury caused by reason of the breaking of any main, branches, service pipes, apparatus or appurtenances connected with the waterworks system or plant, or any part or

portion thereof, or for any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals. (Prior code § 9.17)

**13.04.190 Obstructing or injuring waterworks.**

No person shall in any manner obstruct the access to any stop-cock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public way, public ground or place connected with or part of the waterworks system, nor pile or place any lumber, brick or building material or other article, thing or hindrance whatsoever within twelve (12) feet of the same, or so as to in any manner hinder, delay or obstruct the members of the fire department in reaching the same. It is unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in the waterworks system, reservoir or plant, or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, water meter, shutoff box, public fountain, valve, engine or building connected with the waterworks system or plant, or to cause, suffer, or permit any of such things to be done. Any person violating this section shall upon conviction be subject to a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), plus costs of prosecution. (Prior code § 9.18)

**13.04.200 Unauthorized use of water.**

No person not duly authorized shall turn the water on at any fire hydrant or service cock, or use water therefrom when so turned on, and the person so using or wasting water in such unlawful manner shall be liable to pay for the same. (Prior code § 9.19)

**13.04.210 Form of notice.**

A. No Water supply of any user shall be disconnected, discontinued or shut off by the village until at least thirty days have elapsed since the billing for water and/or sewer charges remain partially or wholly unpaid and until the Village Clerk has first given a ten (10) day notice, either by mail or by personal service, to the account holder of the intent of the village to discontinue the water service, which notice may be in the following form:

STATE OF ILLINOIS  
COUNTY OF IROQUOIS  
VILLAGE OF ONARGA

**TEN DAY NOTICE OF INTENTION  
TO DISCONTINUE WATER  
SERVICE**

NOTICE IS HEREBY GIVEN by the Village of Onarga, County of Iroquois and State of Illinois, pursuant to Section 13.04.210 of the provisions to Section 13.04 of the Village of Onarga Municipal code, and all ordinances amendatory thereof, that the water or sewer charges appertaining to \_\_\_\_\_ upon the following described premises, to-wit:

(commonly known as \_\_\_\_\_ Street, Onarga, Illinois) situated in the Village of Onarga, County of Iroquois and State of Illinois, have remained unpaid for Thirty (30) days or more from the date of the last billing therefore; that the amount of said charges now due is the sum of \$\_\_\_\_\_; and that said village proposes to discontinue and disconnect water service to the above described premises ten days after the date hereof, unless said charges including penalties are paid in full.

If you are disputing any part or all of said billing, you must within ten (10) days from date hereof file your objections in writing with the Village Clerk, who will then refer your objections to the Committee on Water. Said Committee will then notify you of the time and place for the hearing on your objections, and you must then appear at said hearing and give proof in support of your objections. The decision of the Committee will be mailed to you, and if you are dissatisfied with the decision, you will have ten days from the date of said decision to appeal your decision to the Village Board or to ask for arbitration proceedings. Your appeal, if you file an appeal, must be filed with the Village Clerk, and you must pursue your appeal by appearing and presenting your objections to the full Village Board at such time and place as it shall give you in writing. Its decision will be final and no further appeal will be available. If you desire binding arbitration instead of an appeal, you must request in writing that the disputed item or items be settled by binding arbitration, which request must be filed with the Village Clerk within ten days after the date of the decision by the Committee on Water. In said request for arbitration, you will name the person you desire to act as an arbitrator. The Village within ten days of your filing your request for arbitration will in writing file with the Village Clerk the name of a person it desires to act as arbitrator. The two persons thus named will in writing file with the Village Clerk the name of a third person to act as arbitrator. The three persons thus named as arbitrators

will set a time and place for the hearing and notify each party of said time and place. If the parties cannot stipulate as to the facts, the arbitrators shall then hear and consider the evidence and proof offered by each party and make their decision in writing, which shall be filed with the Village Clerk. The costs of said arbitration shall be paid one-half by the objecting user and one-half by the Village. The arbitrators may, prior to proceeding with any hearing, require each party to deposit with said arbitrators his or her or its share of the estimated costs of said proceedings.

**NOTE: THIS IS THE ONLY NOTICE YOU WILL RECEIVE. YOU MUST RESPOND TO THIS NOTICE BY PAYING IN FULL THE AMOUNT DUE, INCLUDING PENALTIES, OR BY TIMELY INVOKING YOUR APPEAL PROCEDURES. OTHERWISE, YOUR SERVICE WILL BE DISCONNECTED. WHEN THE SERVICE IS RECONNECTED, THERE IS A FEE OF \$25.00 FOR RECONNECTION.**

If you are having difficulty paying your bill on account of financial hardship occasioned by illness or other circumstance beyond your control and wish to enter into an extended payment plan with the Village, you should within ten days from date hereof file with the Village Clerk a petition in writing addressed to the Committee on Water requesting an extended payment plan and setting forth the reasons why you need an extension of time in which to pay. Upon the filing of such petition, the running of the time in which you must

pay the above amount due to avoid disconnection or service will be suspended until your petition has been resolved by said Committee by a decision in writing.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

VILLAGE OF ONARGA, COUNTY OF IROQUOIS AND STATE OF ILLINOIS

By: \_\_\_\_\_  
Village Clerk

B. The provisions set forth in the aforesaid notice form are adopted as the law and requirements to be followed in the administration of the provisions of this chapter. (Amended during 2003 codification; Ord. 83-11 (part); prior code § 9.21) (Ord. No. 2009-6, 9-21-09)

#### **13.04.220 Lien.**

A. Rates and charges pursuant to any of the provisions of Title 13 shall be a lien upon the premises as provided by statute. Whenever a bill for charges remains unpaid sixty (60) days after it has been rendered, the village clerk may file with the recorder of deeds of Iroquois County, a statement of a lien claim. This statement shall contain the legal description for 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 any other water or sewer charges subsequent to the period covered by the bill.

B. If the user or consumer whose bill is unpaid is not the owner of the premises, and the village clerk has notice of this, then notice shall be mailed to the owner of the premises, if his or her address is known to the village clerk, whenever such bills or charges remain unpaid for a period of sixty (60) days after it has been rendered.

C. The failure of the village clerk to record such a lien claim 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 water bills as mentioned in Section 13.04.230.

D. Upon the filing of such lien, there shall accrue to the village a delinquency charge in the amount of twenty-five dollars (\$25.00), to cover the cost and expenses of the village in preparing and filing the lien, which charge, together with the recording fee, shall be added to the charges due from the user and/or owner for services furnished the premises on which the lien is recorded, and shall become a part of the amount for which a lien is claimed. (Ord. 83-11 (part): prior code § 9.22) (Ord. No. 2009-6, 9-21-09)

**13.04.230 Foreclosure of lien.**

Property subject to a lien for unpaid charges or bills shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by suit filed in the name of the village. The village attorney is 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 any of the charges or bills has remained unpaid for sixty (60) days after it has been rendered. (Ord. 83-11 (part): prior code § 9.23)

**13.04.240 Restricted areas—  
Nuisance—Penalty.**

A. Restricted Areas. Pursuant to the authority granted the village under 65 ILCS 5/11-125-3, the water tower and elevated structures of the public water supply system of the village are declared to be restricted areas. No one, except persons duly

authorized by the corporate authorities of the village, shall enter upon such restricted areas.

B. Nuisance. It is unlawful and a nuisance for any person, not previously having been authorized by the corporate authorities of the village to do so, to enter upon such restricted areas and climb upon any of the elevated structures of the public water supply system, including the village water tower.

C. Penalty. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or, in accordance with Section 1-2-1.1 of the Illinois Municipal Code, for each offense, be incarcerated in a penal institution other than the penitentiary for not to exceed six months, or both. (Ord. 84-7: prior code §§ 9.24—9.26)

**13.04.250 Resale of water.**

A. Any owner, landlord, or other person who is a customer of the village water system and who charges or levies against any tenant for water service, or represents to such tenant that the tenant is paying separately for water charges as part of his or her rent, shall provide each tenant with a separate and itemized listing of such water charge and the basis and rate therefor; such statement to be included with any rental request of landlord directed to tenant.

B. The provisions of this section shall not apply to any lease where water, or other utilities are included in the monthly rental charge, so long as the monthly rental charge is uniform from month to month and is not based in part or in whole upon the amount or value of water used by the tenant.

C. Failure of any person to provide a statement as required herein shall result in a

fine of twenty-five dollars (\$25.00) per tenant per month for each failure to provide the required itemization of water billings. (Ord. 97-8 § 1; prior code § 9.30)

**13.04.260 Violation—Civil liability.**

Any person violating any of the provisions of this chapter shall become liable to the village for any expense, loss or damage occasioned by the village including attorney's fees by reason of such violation. (Prior code § 9.20)

**Chapter 13.08**

**SEWER SYSTEM**

**Sections:**

- 13.08.010 Connection to storm sewers unlawful—Penalty.**
- 13.08.020 Discharge of certain wastes into village sewers prohibited.**
- 13.08.030 Inspection of premises.**
- 13.08.040 Septic tanks.**
- 13.08.050 Violation—Penalty.**

**13.08.010 Connection to storm sewers unlawful—Penalty.**

It is unlawful to connect any sanitary sewer with or empty any untreated sewage into any storm water sewer or drain of the village. Any person, firm or corporation violating any of the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or, in accordance with Section 1-2-1.1 of the Illinois Municipal Code, be incarcerated in a penal institution other than the penitentiary for not to exceed six months, or both. Each day that any storm sewer is so polluted shall constitute a separate offense. (Ord. 85-3 (part): prior code § 10.01)

**13.08.020 Discharge of certain wastes into village sewers prohibited.**

No person, persons, firm or corporation shall cause or permit any wastes or sewage to be discharged into any public sewer or drain of the village, until after such wastes or sewage have been so treated and purified so as to conduce to the preservation of the public

health, comfort and convenience and so as to render such wastes and sewage harmless insofar as is reasonably possible to humans, animals, fish and plant life. (Ord. 85-3 (part): prior code § 10.02)

**13.08.030 Inspection of premises.**

As a condition for receiving any of the water or sewer services furnished by the village, each user of the service agrees that the water commissioner of the village and any employees of the village subject to its orders shall have the right and privilege at any reasonable time to enter upon the premises of the user for the purpose of inspecting the meter and private service pipes and drains of the user, for the purpose of ascertaining if there are any leaks or stoppages therein and for the further purpose of placing in the sanitary stool or stools therein a dye, ping pong balls or such other substances or objects as the village shall deem necessary, so as to ascertain whether or not the stool or stools are draining into any storm water sewer or drain of the village. Upon the failure or refusal of the user to permit any such inspections, all such services furnished by the village shall be terminated immediately, until the inspection is permitted, and the user shall be subject to the penalties set forth in this chapter. (Ord. 85-3 (part): prior code § 10.03)

**13.08.040 Septic tanks.**

A. Requirement. All buildings in the village intended for use as a business or as a private dwelling, shall have septic tanks installed for the disposing of sewage and other human waste.

B. Size of Tank.

1. The minimum size of septic tanks shall be one thousand (1,000) gallon capacity, ex-



cept for septic tanks installed for the use of private residential dwellings.

2. Septic tanks installed for the use of private residential dwellings shall be of the following size: one thousand (1,000) gallon capacity for houses with one-two bedrooms; one thousand five hundred (1,500) gallon capacity for houses with three bedrooms; and two thousand (2,000) gallon capacity for houses with more than three bedrooms.

3. In private residential dwellings in which a garbage grinder or garbage disposal unit is used, the above sizes for septic tanks shall be increased by fifty (50) percent.

C. Cleanout Provisions. All septic tanks must have a cleanout riser on the tank. This riser shall be flush with, or extended above ground level, and must have a cover that is secure. All cleanout risers shall be at least eight inches in diameter.

D. Subsurface Filter. All septic tank systems that empty into any open waterway, whether natural or manmade, shall have a subsurface filter. All septic tanks shall be constructed according to the laws of the state of Illinois relating to private sewage disposal systems. (Ord. 85-3 (part): prior code §§ 10.10—10.13)

**13.08.050 Violation—Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter, for which violation no specific penalty has been provided, shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or, in accordance with Section 1-2-1.1 of the Illinois Municipal Code, be incarcerated in a penal institution other than the penitentiary for not to exceed three months, or both. (Ord. 85-3 (part): prior code § 10.20)

**Chapter 13.12**

**CROSS-CONNECTION CONTROL**

**Sections:**

**Article I.**

**General Provisions**

- 13.12.010 Compliance with state regulations.**
- 13.12.020 Private or auxiliary water supply—Approval required.**
- 13.12.030 Superintendent of water—Determination of hazards.**
- 13.12.040 Right of entry for inspection.**
- 13.12.050 Noncompliance—Disconnection.**
- 13.12.060 Consumer responsible for clean-up costs.**

**Article II.**

**Cross-Connection Control Policy**

- 13.12.070 Purpose.**
- 13.12.080 Application.**
- 13.12.090 Policy.**
- 13.12.100 Definitions.**
- 13.12.110 Water system—Public and consumer.**
- 13.12.120 Cross-connection prohibited.**
- 13.12.130 Survey and investigations.**
- 13.12.140 Protection required where.**
- 13.12.150 Type of protection required.**
- 13.12.160 Backflow prevention devices.**
- 13.12.170 Inspection and maintenance.**

**13.12.180 Booster pumps.**

**13.12.190 Violation—Penalty.**

**Article I.**

**General Provisions**

**13.12.010 Compliance with state regulations.**

All plumbing installed within the village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the superintendent of water, an approved backflow prevention device is necessary for the safety of the public water supply system, the superintendent of water will give notice to the water customer to install such an approved device immediately. The water customer shall at his or her own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations. (Ord. 90-1 § 1)

**13.12.020 Private or auxiliary water supply—Approval required.**

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the village may enter the supply or distribution system of the village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by

the superintendent of water and the Illinois Environmental Protection Agency. (Ord. 90-1 § 2)

**13.12.030 Superintendent of water—  
Determination of hazards.**

It shall be the duty of the superintendent of water to cause surveys and investigations to be made of commercial, industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the superintendent of water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years. (Ord. 90-1 § 3)

**13.12.040 Right of entry for  
inspection.**

The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the village for the purpose of verifying the presence or absence of cross-connections, and that the water superintendent or his or her authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the village for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the superintendent of water any information which he or she may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded,

shall, within the discretion of the superintendent of water, be deemed evidence of the presence of improper connections as provided in this chapter. (Ord. 90-1 § 4)

**13.12.050 Noncompliance—  
Disconnection.**

A. The superintendent of water is authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this chapter is known to exist, and to take such other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this chapter, and until a reconnection fee of two hundred dollars (\$200.00) is paid to the village clerk.

B. Immediate disconnection with verbal notice can be effected when the superintendent of water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the superintendent of water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the superintendent of water, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance

13.12.060

with the terms of this chapter, whether or not such termination was with or without notice. (Ord. 90-1 § 5)

**13.12.060 Consumer responsible for clean-up costs.**

The consumer responsible for backsiphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system. (Ord. 90-1 § 6)

**Article II.  
Cross-Connection Control Policy**

**13.12.070 Purpose.**

The purpose of this chapter is:

A. To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

B. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

C. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems. (Ord. 90-1 (Attach. § 1A))

**13.12.080 Application.**

This chapter shall apply to all premises served by the public potable water supply system of the village. (Ord. 90-1 (Attach. § 1B))

**13.12.090 Policy.**

The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the superintendent of water or his or her authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the superintendent of water shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his or her own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 13.12.130(D)(4) for a period of at least five years. The superintendent of water may require the consumer to submit a cross-connection inspection report to the village to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a cross-connection control device inspector certified by the Illinois Environmental Protection Agency. (Ord. 90-1 (Attach. § 1C))

**13.12.100 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Agency” means Illinois Environmental Protection Agency.

“Approved” means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

“Auxiliary water system” means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor’s public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

“Backflow” means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

“Backflow prevention device” means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

“Consumer” or “customer” means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

“Consumer’s water system” means any water system located on the customer’s premises. A building plumbing system is considered to be a customer’s water system.

“Contamination” means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

“Cross-connection” means:

1. Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other;

2. “Direct cross-connection” means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

3. “Indirect cross-connection” means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

“Double check valve assembly” means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

“Fixed proper air gap” means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

“Health hazard” means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word “severe” as used to qualify “health hazard” means a hazard to the health of the

user that could be expected to result in death or significant reduction in the quality of life.

“Inspection” means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

“Nonpotable water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. “Plumbing” includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. “Plumbing” includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. “Plumbing” includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

“Pollution” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

“Potable water” means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

“Potential cross-connection” means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

“Process fluid(s)” means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer’s potable water system. This includes but is not limited to:

1. Polluted or contaminated waters;
2. Process waters;
3. Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
4. Cooling waters;
5. Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
6. Chemicals in solution or suspension;
7. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes;

“Public water supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least fifteen (15) service connections or which regularly serve at least twenty-five (25) persons at least sixty (60) days per year. A “public water supply” is ei-

ther a “community water supply” or a “noncommunity water supply”.

“Reduced pressure principle backflow prevention device” means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

“Service connection” means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

“Survey” means the collection of information pertaining to a customer’s piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer’s piping system. The survey must be in written form, and should not be an actual plumbing inspection.

“System hazard” means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer’s potable water system.

“Used water” means any water supplied by a public water supply system to a consumer’s water system after it has passed through the

service connection and is no longer under the control of the water supply official custodian.

“Water purveyor” means the owner or official custodian of a public water system. (Ord. 90-1 (Attach. § 2))

### **13.12.110 Water system—Public and consumer.**

A. The water system shall be considered as made up of two parts: the public water supply system and the consumer’s water system.

B. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the superintendent of water up to the point where the consumer’s water system begins.

C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

D. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer’s water system.

E. The consumer’s water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use. (Ord. 90-1 (Attach. § 3))

### **13.12.120 Cross-connection prohibited.**

A. Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

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B. 1. No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the agency.

2. There shall be no arrangement or connection by which an unsafe substance may enter a supply. (Ord. 90-1 (Attach. § 4))

**13.12.130 Survey and investigations.**

A. The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

B. On request by the superintendent of water, or his or her authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the superintendent of water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his or her premises to determine whether there are actual or potential cross-connections to his or her water system through which contaminants or pollutants could backflow into his or her or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Rev. Stat. 1987, Ch. 111, Par. 1103(1).

D. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

4. Testing and Records.

a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

b. Records submitted to the community public water supply shall be available for inspection by agency personnel in accordance with Ill. Rev. Stat. 1987, Ch. 111 1/2, Par. 1004(e).

c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

d. A maintenance log shall be maintained and include:

i. Date of each test;

ii. Name and approval number of person performing the test;

iii. Test results;

iv. Repairs or servicing required;

v. Repairs and date completed; and

vi. Servicing performed and dated completed. (Ord. 90-1 (Attach. § 5))



**13.12.140 Protection required where.**

A. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the superintendent of water, actual or potential hazards to the public water supply system exist.

B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the superintendent of water and the source is approved by the Illinois Environmental Protection Agency.

2. Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the superintendent of water.

3. Premises having internal cross-connections that, in the judgment of the superintendent of water and/or the cross-connection control device inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

5. Premises having a repeated history of cross-connections being established or re-established.

C. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the superintendent of water determines that no actual or potential hazard to the public water supply system exists:

1. Hospitals, mortuaries, clinics, nursing homes;

2. Laboratories;

3. Piers, docks, and waterfront facilities;

4. Sewage treatment plants, sewage pumping stations or storm water pumping stations;

5. Food or beverage processing plants;

6. Chemical plants;

7. Metal plating industries;

8. Petroleum processing or storage plants;

9. Radioactive material processing plants or nuclear reactors;

10. Car washes;

11. Pesticide or herbicide or extermination plants and trucks;

12. Farm service and fertilizer plants and trucks. (Ord. 90-1 (Attach. § 6))

**13.12.150 Type of protection required.**

A. The type of protection required under Sections 13.12.140(B)(1) through (3) of this chapter shall depend on the degree of hazard which exists as follows:

1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe

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stances that could cause a severe health hazard.

2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

B. The type of protection required under Section 13.12.140(B)(4) and (5) of this chapter shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

1. The fire safety system contains anti-freeze, fire retardant or other chemicals;

2. Water is pumped into the system from another source;

3. Water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source; or

4. There is a connection whereby another source can be introduced into the fire safety system.

D. All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check

valve assembly on unmetered service lines. (Ord. 90-1 (Attach. § 7))

**13.12.160 Backflow prevention devices.**

A. All backflow prevention devices or methods required by this chapter shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

B. Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site. (Ord. 90-1 (Attach. § 8))

**13.12.170 Inspection and maintenance.**

A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this chapter are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

1. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by-passed air gaps shall be made within twenty-four (24) hours.

2. Double check valve assemblies shall be inspected and tested at time of installation and

at least annually thereafter, and required service performed within five days.

3. Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five days.

B. Testing shall be performed by a person who has been approved by the agency as competent to service the device. Proof of approval shall be in writing.

C. Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

D. A maintenance log shall be maintained and include:

1. Date of each test or visual inspection;
2. Name and approval number of person performing the test or visual inspection;
3. Test results;
4. Repairs or servicing required;
5. Repairs and date completed; and
6. Servicing performed and date completed.

E. Whenever backflow prevention devices required by this chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by subsection A of this section.

F. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the superintendent of water. (Ord. 90-1 (Attach. § 9))

### **13.12.180 Booster pumps.**

A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-

off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) psi or less.

B. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the superintendent of water, at least once a year, that the device is operable. (Ord. 90-1 (Attach. § 10))

### **13.12.190 Violation—Penalty.**

A. The superintendent of water shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this chapter is not installed, tested, maintained and repaired in a manner acceptable to the superintendent of water, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by this chapter is not installed and maintained in working order.

B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this chapter and to the satisfaction of the superintendent of water, and the required reconnection fee is paid.

C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with this chapter and to the satisfaction of the superintendent of utilities/operations.

D. Neither the village, the superintendent of water, or its agents or assigns shall be liable to any customers of the village water supply for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the

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terms of this chapter, whether or not the termination of the water supply was with or without notice.

E. The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

F. Any person found to be violating any provision of this chapter shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

G. Any person violating any of the provisions of this chapter in addition to the fine provided, shall become liable to the village for any expense, loss or damage occasioned by the village by reason of such violation, whether the same was caused before or after notice. (Ord. 90-1 (Attach. § 11))

## Chapter 13.16

### GROUNDWATER PROTECTION

#### Sections:

- 13.16.010 Purpose.**
- 13.16.020 Definitions.**
- 13.16.030 Prohibitions.**
- 13.16.040 Waivers, exceptions, and certifications of minimal hazard.**
- 13.16.050 Exclusion.**

#### **13.16.010 Purpose.**

Pursuant to the authority conferred by 65 ILCS 5/11-24-4, 415 ILCS 5/14.2 and 415 ILCS 5/14.3 and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this chapter shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act") (415 ILCS 5/14.2) and this chapter, and the maximum setback zone established under Section 14.3 of the Act (415 ILCS 5/14.3) and this chapter. (Ord. 2003-51 § 1)

#### **13.16.020 Definitions.**

Except as stated in this chapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this chapter shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS 55/1 et seq.):

"Act" means the Environmental Protection Act (415 ILCS 5/1 et seq.)

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Maximum setback zone" means the area around a community water supply well established under Section 14.3 of the Act and this chapter, and described in Appendix A attached to the ordinance codified in this chapter and made a part hereof.

"Minimum setback zone" means the area around a community water supply well established under Section 14.2 of the Act and this chapter. (Ord. 2003-51 § 2)

#### **13.16.030 Prohibitions.**

A. Except as provided in Sections 13.16.040 or 13.16.050, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone of two hundred (200) feet of Wells #3 and 4-IEPA Wells #47574 and 47575 all shown on Exhibit A attached to the ordinance codified in this chapter.

B. Except as provided in Section 13.16.040, no person shall place a new potential primary source within the maximum setback zone of 1,000 feet of Wells #3 and 4-IEPA Wells #47574 and 47575 all as shown on Exhibit A attached to the ordinance codified in this chapter. (Ord. 2003-51 § 3)

#### **13.16.040 Waivers, exceptions, and certifications of minimal hazard.**

A. If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the agency, such owner shall be deemed to have a

13.16.050

waiver to the same extent from Section 13.16.030(A).

B. If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source, or new potential route is granted an exception by the board, such owner shall be deemed to have an exception by the board, such owner shall be deemed to have an exception to the same extent from Section 13.16.030(A).

C. If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the board, such owner shall be deemed to have an exception to the same extent from Section 13.16.030(B).

D. If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the agency, such owner shall not be subject to Section 13.16.030(A) to the same extent that such owner is not subject to Section 14.2(d) of the Act. (Ord. 2003-51 § 4)

**13.16.050 Exclusion.**

Section 13.16.030(A) shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations. (Ord. 2003-51 § 5)

**Chapter 13.20**

**WATERWORKS AND SEWERAGE  
SYSTEM\***

**Sections:**

**Article I. Use of Public Sewers Required**

- 13.20.010** Establishment of departments, divisions and appointment of superintendents.
- 13.20.020** Ownership, installation and maintenance.
- 13.20.030** Refusal of service.
- 13.20.040** Extension of mains.
- 13.20.050** Unsanitary disposal of objectionable waste—Prohibited.
- 13.20.060** Discharge to any natural outlet within the village—Prohibited.
- 13.20.070** Disposal of sewage—Exception.
- 13.20.080** Requirement that public sewer be used.

**Article II. Private Sewage Disposal**

- 13.20.090** Connection of building sewer to private sewage disposal system.
- 13.20.100** Construction of private sewage disposal system—Requirements.
- 13.20.110** Effectivity of private sewage disposal system permit.

- 13.20.120** Type, capacities, locations and layout of private sewage disposal system.
- 13.20.130** Direct connection of property to public sewer.
- 13.20.140** Private sewage disposal facilities—Maintenance.
- 13.20.150** Additional requirements imposed.
- 13.20.160** Availability of public sewer.

**Article III. Building Sewers and Connections**

- 13.20.170** Permit required.
- 13.20.180** Unlawful disposal actions—Exceptions.
- 13.20.190** Building sewer permits—Classes.
- 13.20.200** Building sewer permit—Issuance conditions.
- 13.20.210** Installation and connection of building sewer—Costs and expenses.
- 13.20.220** Separate and independent building sewer.
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- 13.20.240** Construction of building sewer—Compliance with standards.
- 13.20.250** Location of a building sewer.
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- 13.20.270** Connection of building sewer into the public sewer.
- 13.20.280** Inspection notification to superintendent.
- 13.20.290** Protection of public from excavation hazards.

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\*Editor's note—Ord. No. 2010-4, adopted November 22, 2010, repealed the former Chapter 13.20, §§ 13.20.010 — 13.20.670, and enacted a new Chapter 13.20 as set out herein. The former Chapter 13.20 pertained to similar subject matter and derived from Ord. No. 2005-9 and Ord. No. 2009-7, adopted September 21, 2009.

**13.20.300 Easements/operation and maintenance responsibilities, contractors, and electrical service.**

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**13.20.310 Discharge—Generally.**

**13.20.320 Discharge—Storm water and other unpolluted drainage.**

**13.20.330 Discharge—Waters or wastes to any public sewers.**

**13.20.340 Discharge—Substances, materials, etc.—In the opinion of superintendent.**

**13.20.350 Pretreatment or equalization of waste flows—Subject to superintendent's approval.**

**13.20.360 Interceptors for proper handling of liquid wastes.**

**13.20.370 Provided pretreatment or equalization of waste flows.**

**13.20.380 Installation of a control manhole—Required.**

**13.20.390 Laboratory measurements, tests, etc.—Compliance with standards.**

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**Article V. Protection of Sewage Works from Damage**

**13.20.420 Protection of sewage works from damage.**

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**Article VI. Powers and Authority of Inspectors**

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**13.20.510 Measurement of flow.**

**13.20.520 Local capital cost charge—Debt service charge.**

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**Article IX. General Provisions**

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**13.20.660 Access to records.**

**13.20.670 Duty of owner(s) to notify village of changes.**

**Article X. Effective Date of Rates**

**13.20.680 Effective date of rates.**

**Article XI. Validity**

**13.20.690 Validity.**

**Article XII. Appeals**

**13.20.700 Appeals.**

**Article XIII. Chapter in Force**

**13.20.710 Chapter in force.**

**Article I. Use of Public Sewers Required**

**13.20.010 Establishment of departments, divisions and appointment of superintendents.**

There is hereby established an executive department of this village to be known and designated as the combined waterworks and sewage department of the village of Onarga; said department to be divided into two divisions, one for the already existing water utility, and one for the sewage. There shall be placed in charge of general management and control of said executive department a superintendent; or the board of trustees may determine it to be in the best interest of said village to appoint a general superintendent of the combined utilities and/or a superintendent of each division. Any such superintendents shall be appointed by the president with the approval of this village board of trustees expressed by ordinance. It being hereby determined and declared that the establishment of said department and divisions and the appointment of any superintendent(s) thereof is necessary and expedient for the best interest of the village of

Onarga. All necessary employees of said department and each division thereof shall be approved by the village board of trustees expressed by ordinance.  
(Ord. No. 2010-4, Art. I, § 1, 11-22-10)

**13.20.020 Ownership, installation and maintenance.**

The village shall install and maintain the sewer mains, grinder pumping stations, control panels with appurtenant electrical service lines and provide major repair of the service lines to the grinder pump station or a mutually agreed upon point, subject to the board of trustee's determination that a particular service is economically feasible to install. The user shall be responsible for installing the user's own building sewer to the grinder pump station. The user shall be responsible for the maintenance of the user's own sewer line from the building to the grinder pump station and the village shall be responsible for the normal maintenance of the sewer line from the grinder pump station to the sewer main. The village shall be responsible for any street opening and pavement replacement required as determined by the board of trustees. The user shall give such easement and rights-of-way as necessary to the village and shall allow access for the purposes of construction, repair, maintenance, meter reading, relocation or expansion of the sewer system. The necessity shall be determined by the board of trustees.

(Ord. No. 2010-4, Art. I, § 2, 11-22-10)

**13.20.030 Refusal of service.**

The village may at any time refuse additional or new sewer service to any applicant, if, in the judgment of the board of trustees, the capacity of the system will not permit such use or that it is economically infeasible to provide such service.

(Ord. No. 2010-4, Art. I, § 3, 11-22-10)

**13.20.040 Extension of mains.**

The board of trustees shall first determine if any extension of a sanitary sewer line is economically feasible based on estimated costs of the extension and the number of existing potential users that will use the sewer system along the extension. If the extension is economically feasible, then the village may install and pay the cost of the extension at the discretion of the board of trustees. If the village elects not to pay the cost of extending the sanitary sewer main, then the person or persons desiring sewage service shall install the extension at their own personal expense upon a written consent by the board of trustees and upon such terms as the board of trustees may determine or may set forth in any ordinance or resolution. The village shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residences or businesses to make the extension economically feasible.

The following steps must be completed prior to any sewer expansion:

A. The village must approval all plans and specifications for any extensions. Before any extensions are installed, the plans and specifications must be reviewed and approved by the state of Illinois, Environmental Protection Agency.

B. Ownership, right-of-way, and title must be conveyed to the village for all extensions installed by anyone other than the village. The village will maintain the sanitary sewer mains after construction in accordance with Section 13.20.020 of this article.

C. No extension will be permitted if, in the opinion of the board of trustees, the system does not have the necessary capacity to serve the proposed extension.

D. The applicant must pay all connection fees and all costs related to any extensions.

(Ord. No. 2010-4, Art. I, § 4, 11-22-10)

**13.20.050 Unsanitary disposal of objectionable waste—  
Prohibited.**

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

(Ord. No. 2010-4, Art. I, § 5, 11-22-10)

**13.20.060 Discharge to any natural outlet within the village—  
Prohibited.**

It shall be unlawful to discharge to any natural outlet within the village of Onarga, 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 chapter.

(Ord. No. 2010-4, Art. I, § 6, 11-22-10)

**13.20.070 Disposal of sewage—  
Exception.**

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.

(Ord. No. 2010-4, Art. I, § 7, 11-22-10)

**13.20.080 Requirement that public sewer be used.**

The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the village and abutting on any street, alley, or right-of-way in which

there is now located or may 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 chapter within ninety (90) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.  
(Ord. No. 2010-4, Art. I, § 8, 11-22-10)

## **Article II. Private Sewage Disposal**

### **13.20.090 Connection of building sewer to private sewage disposal system.**

Where a public sanitary sewer is not available under the provisions of Section 13.2.080, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article II.

(Ord. No. 2010-4, Art. II, § 1, 11-22-10)

### **13.20.100 Construction of private sewage disposal system—Requirements.**

Before the commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the village, (reference Appendix 2) which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the superintendent. A permit and inspection fee as described in Section 13.20.190(A) shall be paid to the village at the time the application is filed. Any further costs incurred by the village due to additional review and/or inspection because of necessary changes to the application or work shall be paid to the village by the applicant.  
(Ord. No. 2010-4, Art. II, § 2, 11-22-10)

### **13.20.110 Effectivity of private sewage disposal system permit.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of written notice by the superintendent.

(Ord. No. 2010-4, Art. II, § 3, 11-22-10)

### **13.20.120 Type, capacities, locations and layout of private sewage disposal system.**

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state of Illinois Private Sewage Disposal Licensing Act and Code; and with the state of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. No. 2010-4, Art. II, § 4, 11-22-10)

### **13.20.130 Direct connection of property to public sewer.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.20.080, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Ord. No. 2010-4, Art. II, § 5, 11-22-10)

**13.20.140 Private sewage disposal facilities—Maintenance.**

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.  
(Ord. No. 2010-4, Art. II, § 6, 11-22-10)

**13.20.150 Additional requirements imposed.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the village board.  
(Ord. No. 2010-4, Art. II, § 7, 11-22-10)

**13.20.160 Availability of public sewer.**

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or sand.  
(Ord. No. 2010-4, Art. II, § 8, 11-22-10)

**Article III. Building Sewers and Connections**

**13.20.170 Permit required.**

No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.  
(Ord. No. 2010-4, Art. III, § 1, 11-22-10)

**13.20.180 Unlawful disposal actions—Exceptions.**

All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the federal act and more stringent state and local standards.  
(Ord. No. 2010-4, Art. III, § 2, 11-22-10)

**13.20.190 Building sewer permits—Classes.**

There shall be two classes of building sewer permits:

1. For residential, wastewater services, and
2. For 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 superintendent. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity. A permit and inspection fee in the amount described herein shall be paid to the village at the time the application is filed.

A. For a private sewage disposal system, the permit and inspection fee shall be one hundred twenty-five dollars (\$125.00) for a single unit connection.

B. For residential occupancy, the permit connection fee shall be one thousand dollars (\$1,000.00) for a single unit connection of a building sewer to a public sewer. Upon payment of the permit connection fee, the village or the village's contractor shall install a grinder pump station, service line, shutoff/check valve, control panel and electric service line to a mutually agreed location to serve the proposed building. The property owner shall install a lockable thirty (30) amp fused disconnect on the exterior of the building at the mutually agreed location and provide two hundred forty (240) volt electric service to the disconnect. The electric service to the disconnect shall consist of three #10 conductors and one #12 ground.

C. For commercial occupancy, the permit connection fee of a building sewer to a public sewer shall be computed by multiplying the aforesaid rate for a single unit by the applicable multiplier of the use classification as follows:

Use of Building	No. of Units
<i>Stores, Mercantile, and Office Buildings</i>	
Each private toilet room	1
Each public toilet room	1.5
Soda Fountain	1
Grocery Stores with garbage grinders	2
Delicatessen	2
Bakery	1
<i>Drive-Ins</i>	
Each public toilet room	1.5
Kitchens	1.5
<i>Restaurants</i>	
Food service capacity — No. of Persons	
0—15	1
16—50	2
51—100	3
101—200	1
Each Additional 100	1
Each private toilet room	1
Each public toilet room	1.5
<i>Service Stations</i>	
Each public toilet room	1.5
Hose Wash Rack	2
<i>Church</i>	
Each toilet room	1
<i>Clubs</i>	
Each general toilet room	1.5

Use of Building	No. of Units
Restaurant—Charge as above	
<i>Motels</i>	
Each 4 motel unit with bath	1
Each 4 motel unit without bath	.5
Each public toilet room	1.5
Restaurant — Charge as above	
<i>Laundries</i>	
Each automatic washer unit	0.5
Each public toilet room	1
<i>Self Service Car Wash</i>	
Per rack (covered)	1
Per rack (uncovered)	4
<i>Automatic Car Wash</i>	
Each production line	5
Mechanical Car Wash	2
Each public toilet room	1.5
<i>Nursing Homes</i>	
Resident capacity of each building determined from architects plans and specifications divided by 4	Quotient to two decimal points
<i>Schools</i>	
Student capacity of each building determined from architects plans specifications divided by 12	Quotient to two decimal points

D. For industrial occupancy, the permit connection fee of a building sewer to a public sewer shall be based on the population equivalent determined by applying the estimates for the industry made by the applicant to the standards of 0.17 pounds of BOD, 0.22 pounds of suspended solids, and one hundred (100) gallons of sewage per

day averaged and multiplied by the charge per population equivalent as provided in the following schedule of charges, with a minimum charge being one hundred dollars (\$100.00).

Population Equivalent	Charge Per Equivalent
0—1000	\$20.00
1,001—5,000	15.00
5,001—10,000	10.00
10,001—20,000	7.50
Over 20,000	6.00

The charge is to be reviewed and adjusted at the end of the first three years of full operation of the industry to the average annual operation experience and settlement therefore shall be made within six months thereafter.

E. The permit connection fee for a collecting sewer to a public sewer, approved as provided in Article I above, shall be three hundred dollars (\$300.00) plus the computed fee for each residential, commercial, or industrial usage, for each connection of occupancy to such collecting sewer which has been made at the time of connection of the collecting sewer to a public sewer. Any such collecting sewer shall be conveyed to the village on or before the date it is connected to a public sewer.

F. Any fee under this section shall be payable with the application for connection. In those instances where the connection is a result of reconstruction or remodeling, a credit will be given for the number of units being served through an existing building sewer or collecting sewer.

G. In the event that the permit application and/or supplemental plans and specifications need to be revised due to the requirements of this chapter, or changes need to be made to the construction after initial inspection by the village; the applicant shall

pay the village for the extra cost and time incurred to do such additional review and inspection.

(Ord. No. 2010-4, Art. III, § 3, 11-22-10)

**13.20.200 Building sewer permit—  
Issuance conditions.**

A building sewer permit will only be issued and a sewer connection shall only be followed if it can be demonstrated that the downstream sewerage facilities, including sewer, pump station, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(Ord. No. 2010-4, Art. III, § 4, 11-22-10)

**13.20.210 Installation and connection of  
building sewer—Costs and  
expenses.**

All costs and expenses 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.

(Ord. No. 2010-4, Art. III, § 5, 11-22-10)

**13.20.220 Separate and independent  
building sewer.**

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.

(Ord. No. 2010-4, Art. III, § 6, 11-22-10)

**13.20.230 Old building sewers.**

Old building sewers may be used in connection with new building only when they

are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(Ord. No. 2010-4, Art. III, § 7, 11-22-10)

**13.20.240 Construction of building sewer—Compliance with standards.**

The size, slope, alignment, and materials of construction of a building sewer; and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench shall all conform to the requirements of 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 the Standard Specification for Water and Sewer Main Construction in Illinois.

(Ord. No. 2010-4, Art. III, § 8, 11-22-10)

**13.20.250 Location of a building sewer.**

The building sewer shall be brought to the building at an elevation below the existing ground in order to allow service by gravity of the first floor of the building, plus any additional floors above. All sanitary facilities and floor drains which are too low to permit gravity flow to the public sewer shall have overhead discharge to the sewer system. All sanitary facilities and floor drains located in basements shall have overhead discharge to the sewer system regardless of whether the public sewer is at a depth which would allow gravity connection, unless a variance is granted in writing by the superintendent.

(Ord. No. 2010-4, Art. III, § 9, 11-22-10)

**13.20.260 Building sewer connection—Prohibited actions.**

No person(s) shall make connection of roof down spouts, exterior foundation drains, away drains, or other sources of sur-

face runoff or groundwater to a building sewer or building drain which is in turn connected directly or indirectly to a public sanitary sewer.

(Ord. No. 2010-4, Art. III, § 10, 11-22-10)

**13.20.270 Connection of building sewer into the public sewer.**

The connection of the building sewer into the public sewer shall conform to the requirements of the appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and the Standard Specifications of Water and Sewer Main Construction in Illinois. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(Ord. No. 2010-4, Art. III, § 11, 11-22-10)

**13.20.280 Inspection notification to superintendent.**

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(Ord. No. 2010-4, Art. III, § 12, 11-22-10)

**13.20.290 Protection of public from excavation hazards.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village; and, at a minimum, shall be reconstructed to their original condition, at a minimum.

(Ord. No. 2010-4, Art. III, § 13, 11-22-10)

**13.20.300 Easements/operation and maintenance responsibilities, contractors, and electrical service.**

A. On-Lot Easements. Prior to the construction of any portion of a public sewer on private property to which a service connection will, can, or may be made, the village may request that the owner of record of the premises to be connected execute an easement in a form provided by the village granting the village permission to install, inspect, operate, maintain, repair, and replace that portion of the public sewer designed to be located on the owner(s) property and to which the service connection is designed to be made.

1. Village's Responsibilities on Grant of Easement. If the owner provides such easement, then the village shall provide, as detailed in Article III, the installation and all needed inspections, repairs, operation, maintenance and replacement of any portion of the public sewer on the owner's property as provided in subsection B of this section.

2. Denial of Easement. If the owner(s), for any reason, declines to provide said easement, then the village shall not install public sewers on the property of the owner. As such, said owner(s) shall be found in violation of Section 13.20.080 and subject to penalties in accordance with Article VII.

B. Village's Responsibility for Repairs, Operation and Maintenance. The cost of all repairs, installation, operation, maintenance, inspection, and replacement of the public sewer, including any portion of the public sewer lying on private property for which the owner has granted an easement to the village, shall be borne by the village as part of the village's budgeted annual expense of the system.

C. Owner's Responsibility for Repairs, Operation and Maintenance. The cost of all inspections, repairs, installation, operation, maintenance and replacements of building sewers and the service connection shall be borne by the owner. If the owner has not granted an easement to the village to install and maintain any portion of the public sewer on his property, then the cost of all inspections, repairs, installations, operation, maintenance and replacement of the service line shall also be borne by the owner.

D. Contractor Requirements. Any person desiring to construct or install, repair, maintain, or replace a building or a service line, or uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, must register with the village. The registration shall be made on a calendar year basis.

E. Demolition of Existing Buildings. The owner of an existing building to which a service connection has been made, shall obtain a permit from the village to disconnect the building sewer from the service connection or the service connection from the public sewer and cap same before demolition or removal of the building and shall permit and cause the disconnection and related construction to be inspected by the village in accordance with this regulation.

F. Provision of Electrical Service. Unless determined by the village that an alternative configuration is more financially viable, the owner of a building to which a service connection is made or required as provided herein shall provide and maintain electrical services for the operation of a grinder or other pump or other appurtenances requiring electricity incorporated as part of the sewage works for purposes of providing sewage disposal to that owner's



premises. The owner shall also be responsible for all billings in connection with said electrical service.

(Ord. No. 2010-4, Art. III, § 14, 11-22-10)

#### **Article IV. Use of the Public Sewers**

##### **13.20.310 Discharge—Generally.**

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.

(Ord. No. 2010-4, Art. IV, § 1, 11-22-10)

##### **13.20.320 Discharge—Storm water and other unpolluted drainage.**

Storm water and all other unpolluted drainage shall be discharged to such sewers specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent, to a storm sewer or natural outlet.

(Ord. No. 2010-4, Art. IV, § 2, 11-22-10)

##### **13.20.330 Discharge—Waters or wastes to any 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 gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

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

D. Solid or viscous substances in quantities, or of such size, capable of causing obstruction to the flow in sewers or other interference with proper operating of the sewage works, such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshes, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Ord. No. 2010-4, Art. IV, § 3, 11-22-10)

##### **13.20.340 Discharge—Substances, materials, etc.—In the opinion of superintendent.**

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the superintendent, that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than one hundred fifty (150) degree Fahrenheit.

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 and one hundred fifty (150) degrees Fahrenheit.

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarters horsepower or greater shall be subject to the review and approval of the superintendent.

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 waters exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent 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 superintendent 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 superintendent in compliance with applicable state or federal regulations.

H. Any wastes or water having a 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 superintendent in compliance with applicable state and federal regulations.

J. Any cyanide in excess of 0.025 mg/l at any time except as permitted by the superintendent 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 amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over its discharge to the receiving waters.

(Ord. No. 2010-4, Art. IV, § 4, 11-22-10)

**13.20.350 Pretreatment or equalization of waste flows—Subject to superintendent's approval.**

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 13.20.340 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 superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance; the superintendent may:

- 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 13.20.410 of this article.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of such facilities and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. No. 2010-4, Art. IV, § 5, 11-22-10)

**13.20.360 Interceptors for proper handling of liquid wastes.**

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

(Ord. No. 2010-4, Art. IV, § 6, 11-22-10)

**13.20.370 Provided pretreatment or equalization of waste flows.**

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.

(Ord. No. 2010-4, Art. IV, § 7, 11-22-10)

**13.20.380 Installation of a control manhole—Required.**

Each industry shall be required to install a control manhole and, when required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. No. 2010-4, Art. IV, § 8, 11-22-10)

**13.20.390 Laboratory measurements, tests, etc.—Compliance with standards.**

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 chapter and any special conditions for discharge established by the village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the village, but not less than once per year the industry must supply a complete analysis of the con-

stituents of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the village at such times and in such manner as prescribed by the village. The owner shall bear the expense of all measurements, analyses, and reporting required by the village. At such times as deemed necessary, the village reserves the right to take measurements and samples for analysis by an outside laboratory service.

(Ord. No. 2010-4, Art. IV, § 9, 11-22-10)

**13.20.400 Determination of characteristics of water and wastes.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(Ord. No. 2010-4, Art. IV, § 10, 11-22-10)

**13.20.410 Special agreement or arrangement.**

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 Article VIII, hereof, by the industrial concern provided such payments are in accordance with federal and state guidelines for user charge system.

(Ord. No. 2010-4, Art. IV, § 11, 11-22-10)

**Article V. Protection of Sewage Works from Damage**

**13.20.420 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 part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. No. 2010-4, Art. V, § 1, 11-22-10)

**13.20.430 Damage to grinder pumps and other portions of public sewer.**

The grinder pumps and other portions of the public sewer provided by the village to, or for the use of, each property shall be used by the owner of the property in accordance with the rules and regulations of the village. If damage is caused to the pump by reason for the use of the pump in a manner contrary to the rules and regulations issued by the village, the owner shall be charged the cost of repair, replacement and/or damage to the pump and shall be liable to the village for the repayment of such costs. Such

charges shall be collectible by the village as damages in the same manner as provided in Section 13.20.650 of this chapter.

(Ord. No. 2010-4, Art. V, § 2, 11-22-10)

#### **Article VI. Powers and Authority of Inspectors**

##### **13.20.440 Authority and responsibilities.**

The superintendent 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 chapter. The superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for wastewater treatment.

(Ord. No. 2010-4, Art. VI, § 1, 11-22-10)

##### **13.20.450 Observance of safety rules applicable to the premises.**

While performing the necessary work on private properties referred to in Section 13.20.440 above, the superintendent 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. The company shall be held harmless for injury or death to the village employees, and the village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing

out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain conditions as required in Article IV.

(Ord. No. 2010-4, Art. VI, § 2, 11-22-10)

##### **13.20.460 Duly negotiated easement for inspection of sewage works.**

The superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within 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.

(Ord. No. 2010-4, Art. VI, § 3, 11-22-10)

#### **Article VII. Penalties**

##### **13.20.470 Violations.**

Any person found to be violating any provision of this chapter 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 provision of this chapter.

(Ord. No. 2010-4, Art. VII, § 1, 11-22-10)

##### **13.20.480 Misdemeanor.**

Any person who shall continue any violation beyond the time limit provided for in Section 13.20.470, shall be guilty of a misdemeanor, and on conviction thereof

shall be fined in the amount not exceeding three hundred dollars (\$300.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. No. 2010-4, Art. VII, § 2, 11-22-10)

**13.20.490 Violations—Liability to the village.**

Any person violating any of the provisions of this chapter shall become liable to the village by reasons of such violation.

(Ord. No. 2010-4, Art. VII, § 3, 11-22-10)

**Article VIII. Wastewater Service Charges**

**13.20.500 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 apportioning the annual debt service on a cost per one thousand (1,000) gallon basis. 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 cost per one thousand (1,000) gallons.

A. 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:

1. A five-day, twenty (20) degrees Celsius biochemical oxygen demand (BOD<sub>5</sub>) of two hundred (200) mg/l.

2. A suspended solids (SS) concentration of two hundred fifty (250) mg/l.

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

1. Estimate the wastewater volume, pounds of SS to be treated, and pounds of BOD to be treated.

2. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.

3. Proportion the estimated operation, maintenance, and replacement (OM&R) costs to each user class by volume, SS, and BOD.

4. Proportion the estimated OM&R costs to wastewater facility categories by volume, SS, and BOD.

5. Compute costs per one thousand (1,000) gallons for normal sewage strength.

6. Compute surcharge costs per one thousand (1,000) gallons per mg/l in excess of normal sewage strength for BOD and SS.

C. A surcharge will be levied to all users whose waters exceed the normal domestic concentration of BOD (two hundred (200) mg/l) and SS (two hundred fifty (250) 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 two hundred (200) mg/l and two hundred fifty (250) mg/l concentration for BOD and SS respectively. Sections 13.20.540 and 13.20.550 specify the procedure to compute a surcharge.

D. 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 maintenance costs, including replacement costs.

E. 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. (Ord. No. 2010-4, Art. VIII, § 1, 11-22-10)

**13.20.510 Measurement of flow.**

The volume of flow used for computing the basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of one hundred (100) gallons.

A. If the person discharging wastes into the public sewers procures any part, or all of his water from sources other than public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the superintendent for the purpose of determining the volume of water obtained from these other sources.

B. Devices for measuring the volume of waste discharged may be required by the superintendent if these volumes cannot otherwise be determined from the metered water consumption records.

C. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the owner. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the superintendent. (Ord. No. 2010-4, Art. VIII, § 2, 11-22-10)

**13.20.520 Local capital cost charge—  
Debt service charge.**

A local capital cash charge of twelve dollars (\$12.00) per month shall commence effective January 1, 2010, to each user of the water service system of the village, to be applied to and used for the sewer division of the combined waterworks and sewage de-

partment. Such charge shall cease on the last day of the month in which the user's premises are connected to the service supplied by the wastewater facilities of the village. A debt service charge of twelve dollars (\$12.00) per month to each user of the wastewater facility of the village is hereby established as a portion of the basic user rate. (Ord. No. 2010-4, Art. VIII, § 3, 11-22-10)

**13.20.530 Basic user rate.**

There shall be and there is hereby established a minimum charge and a basic rate for the use of and for service supplied by the wastewater facilities of the village.

A. Residential. A minimum charge of twelve dollars (\$12.00) per month shall be applied to all residential users with simplex grinder pump stations for water consumption up to the first one thousand (1,000) gallons per month. A minimum charge of twenty-four dollars (\$24.00) per month shall be applied to all residential users with duplex grinder pump stations for water consumption up to the first one thousand (1,000) gallons per month.

For any residential users that do not supply the electrical service to their individual grinder pump station, a basic user rate of six dollars (\$6.00) per one thousand (1,000) gallons shall be applied to all users for water consumption in excess of the first one thousand (1,000) gallons per month.

B. Commercial. A minimum charge of twelve dollars (\$12.00) per month shall be applied to all commercial users with simplex grinder pump stations for water consumption up to the first one thousand (1,000) gallons per month. A minimum charge of twenty-four dollars (\$24.00) per month shall be applied to all commercial users with duplex grinder pump stations for water consumption up to the first 1,000 gallons per month.

For any commercial users that do not supply the electrical service to their individual grinder pump station, a basic user rate of six dollars (\$6.00) per one thousand (1,000) gallons shall be applied to all users for water consumption in excess of the first one thousand (1,000) gallons per month. (Ord. No. 2010-4, Art. VIII, § 4, 11-22-10)

**13.20.540 Surcharge rate.**

The rates of surcharges for BOD<sub>5</sub> and SS shall be as follows:

A. \$0.0050 per one thousand (1,000) gallons wastewater per mg/l BOD<sub>5</sub> above two hundred (200) mg/l.

B. \$0.0040 per one thousand (1,000) gallons wastewater per mg/l SS above two hundred fifty (250) mg/l. (Ord. No. 2010-4, Art. VIII, § 5, 11-22-10)

**13.20.550 Computation of surcharge.**

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the superintendent and shall be binding as a basis of surcharges. (Ord. No. 2010-4, Art. VIII, § 6, 11-22-10)

**13.20.560 Computation of wastewater service charge.**

The wastewater service charge shall be computed by the following formula:

$$C_w = C_M + (V_u - X) C_U + C_S$$

- Where  $C_w$  = Amount of waste service charge (\$) per billing period.
- $C_M$  = Minimum charge for operation, maintenance and replacement (Section 13.20.530 of this chapter).
- $V_u$  = Wastewater volume for the billing period.

$X$  = Allowable consumption in gallons for the minimum charge (Section 13.20.530 of this chapter).

$C_U$  = Basic user rate for debt service and capital improvement (Sections 13.20.520 and 13.20.530 of this chapter).

$C_S$  = Amount of surcharge (Sections 13.20.520 and 13.20.530 of this chapter).

(Ord. No. 2010-4, Art. VIII, § 7, 11-22-10)

**13.20.570 Rates for users outside corporate boundary.**

Whenever wastewater service is provided to any residential or commercial user located outside the boundaries of the village, the rate charged for any such services shall be calculated as 1.5 times the rates applicable to similar users within the boundaries of the village.

(Ord. No. 2010-4, Art. VIII, § 8, 11-22-10)

**Article IX. General Provisions**

**13.20.580 Bills.**

Charges or rates for services 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 the charges for such premises, and water and sewer service is furnished to the premises only upon the condition that the owner of the premises, occupant, and user of water and sewer services are jointly and severally liable therefore to the village. Bills for charges shall be sent out by the village clerk on the first day of the month succeeding the period for which the charges are billed. All charges are due and payable on the 22nd day of each month. A penalty of ten percent shall be added to all bills not paid by the 22nd day of each month.

(Ord. No. 2010-4, Art. IX, § 1, 11-22-10)



**13.20.590 Delinquent bills.**

If charges are not paid within thirty (30) days after rendition of the monthly bill, all water and sewer services shall be disconnected, pursuant to the procedure found in Section 13.04.210 herein, and neither shall be reinstated until all claims are settled.

(Ord. No. 2010-4, Art. IX, § 2, 11-22-10)

**13.20.600 Lien notice of delinquency.**

Whenever a bill for charges remains unpaid for sixty (60) days 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 treasurer has notice of this, notice shall be mailed to the owner of the premises if his address is known to the treasurer, whenever such bill remains unpaid for the period forty-five (45) days after it has been rendered. The failure of the village treasurer 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.

(Ord. No. 2010-4, Art. IX, § 3, 11-22-10)

**13.20.610 Foreclosure of lien.**

Property subject to a lien for unpaid charges shall be sold for nonpayment 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 ninety (90) days after it has been rendered.

(Ord. No. 2010-4, Art. IX, § 4, 11-22-10)

**13.20.620 Revenues.**

All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the water/wastewater 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 clerk shall receive all 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 clerk shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Village Act," effective January, 1942.

(Ord. No. 2010-4, Art. IX, § 5, 11-22-10)

**13.20.630 Accounts.**

The village clerk shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage 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 sewerage system.

In addition to the customary operating statement, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

A. Flow data showing total gallons treated at the wastewater treatment plant for the current fiscal year.

B. Billing data to show total number of gallons billed per fiscal year.

C. Debt service for the next succeeding fiscal year.

D. Number of users connected to the system.

E. Number of non-metered users.

F. A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

(Ord. No. 2010-4, Art. IX, § 6, 11-22-10)

#### **13.20.640 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 13.20.630. In addition to this, a copy of this article properly certified by the village clerk shall be filed in the office of the recorder of deeds in Iroquois County.

(Ord. No. 2010-4, Art. IX, § 7, 11-22-10)

#### **13.20.650 Penalty.**

Any person, firm, or corporation violating any provisions of this article shall be

fined not less than ten dollars (\$10.00), nor more than five hundred dollars (\$500.00) for each offense.

(Ord. No. 2010-4, Art. IX, § 8, 11-22-10)

#### **13.20.660 Access to records.**

The IEPA, 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.

(Ord. No. 2010-4, Art. IX, § 9, 11-22-10)

#### **13.20.670 Duty of owner(s) to notify village of changes.**

It shall be the duty of the owner(s) of any property being provided sewer service promptly to notify the village's superintendent of any change(s) or modification(s) to the property, which could result in a change to the sewer charges being assessed. Any property owner(s) who fail(s), refuse(s), or neglect(s) to notify the village's superintendent of the change(s) or modification(s) to the property shall be deemed to be in violation of this chapter, shall be responsible for any increased charges which should have been billed by reason of such change(s) or modification(s) under the applicable rate ordinance, and shall also be subject to the penalties described in Section 13.20.650 for violations of this chapter.

(Ord. No. 2010-4, Art. IX, § 10, 11-22-10)

### **Article X. Effective Date of Rates**

#### **13.20.680 Effective date of rates.**

The rates and service charges established for user charges in Sections 13.20.520 through 13.20.570, shall be effective as of

the first successive month after connection to the system as defined in Section 13.20.080, herein.

(Ord. No. 2010-4, Art. X, 11-22-10)

#### **Article XI. Validity**

##### **13.20.690 Validity.**

That if any section, paragraph, clause, or provision of this chapter shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this chapter.

(Ord. No. 2010-4, Art. XI, 11-22-10)

#### **Article XII. Appeals**

##### **13.20.700 Appeals.**

The method for computation of rates and service charges established for user charges in Sections 13.20.520 through 13.20.570 shall be made available to a user within ten (10) days of receipt of a written request for such. Any disagreement over the method used or in the computation thereof shall be remedied by the village within twenty (20) days after notification of a formal written appeal outlining the discrepancies.

(Ord. No. 2010-4, Art. XII, 11-22-10)

#### **Article XIII. Chapter in Force**

##### **13.20.710 Chapter in force.**

This chapter shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

(Ord. No. 2010-4, Art. XIII, § 1, 11-22-10)

**APPENDIX 1**

**DEFINITIONS**

- Section 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 the treatment works as provided for by Title 11 — Grants for Construction Treatment Works of the Act and implementing regulations.
- Section 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 the treatment works as provided for the Illinois Anti-Pollution bond Act and for making such grants as titled with the Secretary of State of the State of Illinois.
- Section 3 Local Government  
"Ordinance" means this ordinance.  
"Village" means the Village of Onarga located in the Iroquois County, State of Illinois.  
"Approving Authority" means the Superintendent of Public Works.
- Section 4 "Person" shall mean any all person(s), natural or artificial; including individual, firm, company, municipal, or private corporation, association, institution, enterprise, governmental agency, or other entity.
- Section 5 "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.
- Section 6 Clarification of word usage: "Shall" is mandatory; "May" is permissible.
- Section 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 building, 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 (mg/l)" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 grams (g) of constituent in 1,000 milliliters (ml) of water. It has replaced the unit formally 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.

"Biological Oxygen Demand (BOD or BOD<sub>5</sub>)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed as mg/l.

"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 of the particles will be carried freely under the flow conditions normally prevailing in public sewers with no particles greater than 1/2 inch 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 pre-treatment facility. A wastewater shall be considered free of floatable oil if it is properly pre-treated and the wastewater does not interfere with the collection of treatment 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 15 minutes more than five times the average 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 the effluent from that treatment works.

Section 8

Sewer Types 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 person and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with the Village funds.

"Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters or polluted industrial wastes are not intentionally admitted.

"Storm 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 ground 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 point of the drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet inside 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.

- Section 9            Treatment
- A "grinder pump station" consists of a holding tank, pump and alarm panel. A cutting mechanism on the pump macerates waste and grinds items that are not normally found in sewage, but may get flushed down the toilet. The pump is equipped with a level sensor to regulate pumping frequency. The alarm panel is equipped with both audible and visual warnings for pump malfunction. A simplex grinder pump station consists of a single grinder pump. A duplex grinder pump station consists of two grinder pumps.
- "Pre-treatment" shall mean the treatment of wastewater 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", "wastewater treatment plant", or "pollution control plant".
- Section 10            "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and transport effluent to a watercourse.
- Section 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 by of surface or ground water.
- Section 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, and permanent multi-family dwellings.
- "Commercial User" shall include transit lodging, retail and wholesale establishments, or places engaged in selling merchandise or rendering services.
- "Institutional/Governmental User" shall include schools, churches, penal institutions, and users associated with Federal, State, and local governments.
- "Industrial Users" shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.
- "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 discharge.
- Section 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 Article VIII and shall consist of the total or the Basic User Charge, the Local Capital Cost, and a Surcharge, if applicable.

## APPENDIX 1

"User Charge" shall mean a charge levied on users of 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 or owners of lots on which grinder tanks have been installed even though not serviced by the Village water 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 sewer 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.

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Article VIII.

"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.



APPENDIX 2

Private Sewer Application

Village of Onarga, Illinois

Applicants

Name:

Applicant must be the owner of property for which this request is made.

Address:

Phone:

Fax/e-mail

Application is hereby made for the installation or use of a private sewer system.

Legal

Description:

Commonly

known as:

Street Address

=====

Current zoning described as: \_\_\_\_\_

AG-1 Agricultural

B-1 Business

R-1 Residential

I-1 Industrial

R-2 Residential &/or

Mobile Homes P-1 Parks

=====

The following are required for submittal and processing:

1. Submission of a statement detailing the reason the village sewage system cannot provide this location with the municipal sewage service. Statement must include water usage, number of occupants, employees, or customers, and other statistics needed to understand the scope of the necessary sewage systems.
2. Approval of all waste creating systems on the premises by the village Building Inspector.
3. Approval of any development by the planning commission if necessary.

**NOTE:** Other documents, details, or requirements may be requested in order for the village board of directors to make a determination and uphold the current code of the Village of Onarga.

APPENDIX 2

The above applicant hereby certifies that he is the lawful owner of the property for which the Private Sewer Application is requested:

\_\_\_\_\_  
Applicants Signature

\_\_\_\_\_  
Date

**Editor's note**—At the direction of the village, the private sewer application replaced the applications for sewer permits (residential building sewer, private sewage disposal and commercial, institutional, and industrial sewer)



APPENDIX 3

Grantor shall not cause or permit any buildings, permanent improvements, structures, or other obstructions to be constructed or placed over the sewer lines, grinder pumps, appurtenances, accessories, or within 5 feet on any side thereof.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF IROQUOIS    )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that owner(s), personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she/they signed, sealed and delivered the said instrument as his/her/their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notary seal, this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

**Title 14**

**(RESERVED)**



**Title 15**

**BUILDINGS AND CONSTRUCTION**

**Chapters:**

**15.04 International Residential Code**





## Chapter 15

### INTERNATIONAL RESIDENTIAL CODE

#### Sections:

- 15.04.010 Building Code established.**
- 15.04.020 International Residential Code 2003—Revisions.**
- 15.04.030 Accessibility required.**

#### **15.04.010 Building Code established.**

The International Residential Code, 2003 Edition, including Appendix Chapters A and F, as published by the International Code Council, is adopted as the code of the village of Onarga for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of one- and two-family dwellings and townhouses not more than three stories in height with separate means of egress and their accessories in the village of Onarga, and providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2003 Edition, published by the International Code Council on file in the office of the village clerk are referred to, adopted and made part hereof, as if fully set out in chapter. (Ord. 2005-6 (part))

#### **15.04.020 International Residential Code 2003—Revisions.**

The following sections of the International Residential Code, 2003 Edition, as adopted in this chapter are revised and amended:

##### Section 305.1 Minimum Height

Habitable rooms, hallways, corridors, bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 8 feet. The required height shall be measured from the finish floor to the lowest projection from the ceiling. Basements with habitable spaces shall have a ceiling height of not less than 7 feet, 6 inches to the finish floor; and beams, girders, ducts or other obstructions may project to within 6 feet, 8 inches of the finish floor.

##### Section 311.5 Type and Size

The required exit door shall be a side-hinged door not less than 3 feet in width and 6 feet, 8 inches in height. Other exterior and interior hinged or sliding doors shall not be less than 6 feet, 8 inches in height.

##### Table R702.3.5

Delete reference to 3/8 inch thick drywall. All drywall application shall be a minimum of 1/2 inch thick.  
(Ord. 2005-6 (part))

#### **15.04.030 Accessibility required.**

All spaces and elements of all applicable buildings and facilities shall be designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and useable by, environmentally limited persons, shall conform to the provision of the Illinois Accessibility Code. (Ord. 2005-6 (part))



## **Title 16**

### **SUBDIVISIONS**

#### **Chapters:**

**16.04 General Provisions**

**16.08 Tentative Plat**

**16.12 Final Plat**

**16.16 Design Standards**



## Chapter 16.04

### GENERAL PROVISIONS

#### Sections:

- 16.04.010 Subdivision control.**
- 16.04.020 Plat invalid without approval.**
- 16.04.030 Procedure for approval of subdivision.**
- 16.04.040 Suitability of land for subdividing.**
- 16.04.050 Acceptance of streets, etc. by village.**
- 16.04.060 Division of lands without platting unlawful.**
- 16.04.070 Approval of subdivision of small tracts.**
- 16.04.080 Enforcement of regulations.**

#### **16.04.010 Subdivision control.**

A. For the purpose of the present and future development of the village, and for the promotion of the public health, and the safety, comfort, morals and welfare of persons living within the territory governed, the provisions and regulations hereinafter contained which shall govern the subdividing and platting of lands lying within the corporate limits of the village as now or hereafter existing or within the area of jurisdiction of the village board as now or hereafter established under the provisions of the statutes of the State of Illinois, are adopted as part of the official plan of the village.

B. For the purpose of this title, the word "subdivision" means the dividing of a tract of land into two or more lots, tracts or sites for the purpose, either immediate or future, of sale or building development, or a resubdivi-

sion for any such purpose. (Prior code § 22.01)

#### **16.04.020 Plat invalid without approval.**

After passage of this code no plat of any subdivision shall be valid nor entitled to record unless and until the same has been approved by the board of trustees in accordance with the procedure hereinafter provided, and no plat of a subdivision shall be approved without compliance with the standards of design and improvements required as hereinafter set forth. (Prior code § 22.02)

#### **16.04.030 Procedure for approval of subdivision.**

The steps and proceedings hereinafter set forth are adopted as the procedure to be followed for the approval of a subdivision of lands. (Prior code § 22.07)

#### **16.04.040 Suitability of land for subdividing.**

A. Lands subject to flooding, and land deemed to be topographically unsuitable should not be subdivided for residential purposes, nor for such other uses as may increase danger to health, life or property, or aggravate erosion or flood hazard.

B. The village board shall not approve the subdivision of land if upon adequate investigation conducted by the village board and the opinion of the engineer of the village, it has been determined by the village board that in the best interest of the public the site is not suitable for subdivision and development of the kind proposed. (Prior code § 22.10)

**16.04.050 Acceptance of streets, etc. by village.**

A. If any plat of subdivision contains public streets or thoroughfares which are therein dedicated as such, whether located within the corporate limits of the village or outside thereof, or contains existing streets outside of the corporate limits, the approval of the plat by the village board, or the subsequent annexation of the property to the village, shall not constitute an acceptance by the village of such streets or thoroughfares, nor of the improvements constructed or installed thereon or therein, irrespective of any act or acts by an officer, agent, or employee of the village with respect to such streets or improvements. The acceptance of such streets or thoroughfares shall be made only by the adoption of a resolution by the village board after there has been filed with the village clerk a certificate by the engineer of the village certifying that all improvements required to be constructed or installed in or upon such streets or thoroughfares in connection with the approval of the plat of subdivision by the village board, have been fully completed and the construction or installation thereof has been approved by him or her.

B. No permanent connection shall be made or maintained with the sanitary or storm sewer or water supply systems of the village to serve property within the subdivision until the certificate by the engineer of the village as hereinabove provided has been filed, and not until any money owing to the village for permit fees for the connections with the systems or any of them have been paid. (Prior code § 22.11)

**16.04.060 Division of lands without platting unlawful.**

After the effective date of this code no lot or tract of land located within the village and which contains an area of more than one-half acre, shall be divided or redivided in any manner into two or more lesser tracts for building site purposes, without subdividing or resubdividing and platting such tract in the manner provided by the statutes of the state of Illinois. (Prior code § 22.12)

**16.04.070 Approval of subdivision of small tracts.**

When there is presented to the board of trustees for approval a plat of subdivision or resubdivision of a small tract of land, if the board, after consideration thereof, is of the opinion that the intent and purpose of the provisions of this title are not violated by such plat, and the construction of the improvements herein required cannot be reasonably enforced, the board may waive the application or enforcement of the provisions of this title and approve such plat without requiring further procedure. (Prior code § 22.13)

**16.04.080 Enforcement of regulations.**

The zoning enforcing officer shall be the enforcing officer of this title and it shall be his or her duty to enforce the provisions hereof. The enforcing officer may call upon any department or official of the village to furnish him or her with such information and assistance as he or she may deem necessary for the observance or enforcement of this title, and it shall be the duty of such department or officer to furnish such information and assistance whenever required. (Prior code § 22.14)

## Chapter 16.08

### TENTATIVE PLAT

**Sections:**

- 16.08.010**    **Contents.**
- 16.08.020**    **Village board action on tentative plat.**
- 16.08.030**    **Disapproval of tentative plat.**
- 16.08.040**    **Approval of tentative plat.**

**16.08.010**    **Contents.**

When any owner of land lying within the corporate limits of the village desires to subdivide such lands, the owner shall submit to the village board a tentative plat, with two prints or copies thereof drawn to a scale of not less than one hundred (100) feet to the inch, with supporting sheets which shall constitute a part thereof, showing the proposed plan of subdivision. Such plat shall show and give the following information insofar as possible.

A. The boundaries of the proposed subdivision and the distances between corners; the total acreage contained therein;

B. The name of the proposed subdivision; the name of the engineer who prepared the plat;

C. The location of existing corporate boundary lines at or near the proposed subdivision;

D. The character of the lands immediately adjoining the proposed subdivision, showing the subdivision thereof, if subdivided, and the location and dimensions of public streets, alleys, public utility easements, street pavements, sanitary sewer mains, storm water mains, water supply mains, if any, adjoining the proposed subdivision;

E. The then zoning classification under the village or county zoning ordinance;

F. The location within the proposed subdivision, of any existing public streets, alleys, public utility easements, street pavement, sanitary sewer mains, storm sewer mains, water supply mains, water courses, bridges, culverts and similar facilities; the location of existing buildings, if any;

G. The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, playgrounds and other open spaces proposed to be dedicated for public use;

H. The blocks and lots into which the project is proposed to be subdivided, with the dimensions thereof;

I. Contours at vertical intervals of not more than one foot, except when specifically not required by the village board;

J. A general description of the type, kind, character and extent of required improvements proposed to be constructed or installed;

K. Summary of all restrictions intended to be imposed by the final plat or by deeds of conveyance as to the use of all property within the subdivision, including area of buildings for residence use, if any;

L. Such other information or data that the village board may require for the full and complete consideration of the proposed plan of subdivision. (Prior code § 22.08(a))

**16.08.020**    **Village board action on tentative plat.**

The village board shall after receiving the tentative plat consider the proposed plan of subdivision as represented by such plat, and shall thereupon approve or disapprove the same. If the proposed plan of subdivision is not satisfactory as presented, the village board may permit the subdivider to make the

16.08.030

changes and additions required by the village board to meet the requirements of this title. (Prior code § 22.08(b))

**16.08.030 Disapproval of tentative plat.**

If the proposed plan of subdivision as shown by the tentative plat is finally disapproved, the original plat shall be returned by the village board to the subdivider, with a written statement of the reasons for such disapproval. (Prior code § 22.08(c))

**16.08.040 Approval of tentative plat.**

A. If the proposed plan of subdivision as shown by the tentative plat is finally approved, the original plat and one print or copy of the plat shall be endorsed by the village board as follows:

The proposed plan of subdivision as shown on this Plat and accompanying documents, has received tentative approval by the Village Board of the Village of Onarga, and said Village Board is now ready to receive the Final Plat for consideration.

Dated \_\_\_\_\_

VILLAGE BOARD OF THE VILLAGE  
OF ONARGA

By \_\_\_\_\_  
President

B. The original of the tentative plat, so endorsed, shall remain on file with the village board, and a copy of the plat so endorsed shall be returned to the subdivider. (Prior code § 22.08(d))



## Chapter 16.12

### FINAL PLAT

#### Sections:

- 16.12.010**    **Submission of final plat.**
- 16.12.020**    **Contents.**
- 16.12.030**    **Supporting documents with final plat.**
- 16.12.040**    **Approval of final plat by village board.**

#### **16.12.010**    **Submission of final plat.**

After approval by the village board of the tentative plat the subdivider shall, within four months thereafter, submit to the village board a final plat of the subdivision, in final form for recording, which shall be in strict accordance with the tentative plat as approved by the village board, together with two prints or copies. Provided, if desired by the subdivider, the final plat may constitute only that portion of the approved tentative plat which he or she proposes to record and develop at the time, and provided further, that such portion conforms in all respects to all matters and things included in the tentative plat and plan insofar as they appertain to the portion of the entire subdivision which is desired to be developed at that time. (Prior code § 22.09(a))

#### **16.12.020**    **Contents.**

The final plat shall be drawn in black ink on tracing cloth to a scale of not less than one hundred (100) feet to one inch. It shall specifically show the following:

- A. The name or names of the owners of the property;
- B. The name of the registered land surveyor who prepared the plat and date thereof;
- C. The legal description of the property subdivided;

D. Boundary of the plat, based on accurate traverse, with angular and linear dimensions;

E. Location of all permanent monuments;

F. All other measurements, dimensions, data and certificates required by 765 ILCS 205/1;

G. On any such plat showing a tract or tracts dedicated for park, playground or similar public use, if such tract or tracts are not located within the corporate limits of the village, the certificate of dedication shall provide that the future official act of annexation of such tract or tracts to the village shall constitute a transfer of the title to such tract or tracts to the village for such public use. (Ord. 2003-23 § 1; prior code § 22.09(b))

#### **16.12.030**    **Supporting documents with final plat.**

The following supporting documents and data, in triplicate, shall be submitted to the village board with the final plat:

A. Grading plan and profiles showing the existing line elevations of all streets and alleys in the subdivision and the center line elevations of pavements to be constructed. Elevations shall be referred to some permanent bench mark. Profiles shall be drawn to a horizontal scale of fifty (50) feet to one inch and vertical scale of five feet to one inch;

B. A detailed statement by the subdivider setting forth the nature, kind, character and extent of all the improvements that will be constructed in the subdivision, together with complete plans, profiles and specifications clearly describing the same, with agreement to construct the same in accordance therewith, at his or her own expense, within the time limit fixed by the village board;

C. A statement by a competent engineer giving an estimate of the total cost of the construction or installation of all such improve-

16.12.040

ments, including the cost of engineering and inspection:

D. A certificate by the engineer of the village certifying that the improvements described in the subdivider's statement and as shown by the plans, profiles and specifications, meet the minimum requirements of this title that the estimate of cost of construction and installation in his or her opinion is substantially correct;

E. A duly executed completion bond by the subdivider, with corporate surety, to be approved by the village board, to be filed with the village clerk, in an amount equal to the estimate of the costs of construction of all improvements, certified by the village attorney as good, valid and enforceable by the village, securing the satisfactory completion of all improvements in accordance with the description, plans, profiles and specifications submitted by the subdivider and approved by the village board. (Prior code § 22.09(c))

**16.12.040 Approval of final plat by village board.**

When and if the village board is satisfied with the final plat so approved, and upon payment by the subdivider to the clerk of the estimated cost of recording, the clerk shall record the plat in the office of the recorder of Iroquois County. The supporting documents transmitted with the final plat to the village board shall be filed in the office of the village clerk. The print or copy of the final plat, with copy of the approval thereof by the village board, and one copy of all supporting documents, shall be delivered to the subdivider. (Prior code § 22.09(d))

**Chapter 16.16**

**DESIGN STANDARDS AND IMPROVEMENTS**

**Sections:**

- 16.16.010 Adoption of standards.**
- 16.16.020 Standards of design.**
- 16.16.030 Required improvements.**
- 16.16.040 Variance in standards.**

**16.16.010 Adoption of standards.**

The following requirements are adopted as the minimum standards of design of a subdivision and of improvements required to be constructed or installed therein. (Prior code § 22.03)

**16.16.020 Standards of design.**

The following standards of design shall be followed in any subdivision:

**A. Streets.**

1. A public street or streets shall be provided to afford convenient access to all property within the subdivision. No private street or thoroughfare shall be permitted;

2. The proposed street system shall extend existing adjoining streets unless the extension thereof would not be practical;

3. Where, in the opinion of the village board, it is desirable to provide for street access to adjoining property, the proposed streets shall be extended by dedication to the boundary of such property.

**B. Alleys.** Alleys shall be provided at the rear of all lots or tracts intended for business, commercial or industrial use, and multiple family building use, but shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the village board of the need for alleys.

**C. Street Widths.** The minimum width of right-of-way of a street, alley or thoroughfare, measured between the lines of the property abutting upon the right-of-way, shall not be less than the following:

1. Major streets, being those to be used primarily for fast or heavy traffic, and shown on the major thoroughfare plan, and streets through business areas, eighty (80) to one hundred (100) feet as required;

2. Residential streets, sixty (60) feet;

3. Cul-de-sacs, which are permanent dead end streets, with permanent turnaround having an inside diameter of not less than fifty (50) feet;

4. Alleys, to serve business areas, twenty-four (24) feet;

5. Alleys, to serve residential blocks, twenty (20) feet.

In the case of the extension of an existing adjoining right-of-way having a width less than the minimum requirement, the village board may approve the extension thereof at the same width.

The entire right-of-way shall be provided where any part of the subdivision is on both sides of the right-of-way.

When the subdivision is located on only one side of an existing right-of-way, which is less than the required width, the subdivider shall dedicate additional right-of-way to meet the requirement, but not exceeding one-half of the total required width.

In case where topography or other conditions make the dedication of a street or part thereof of the required minimum width impractical, the village board may modify the above requirements.

**D. Street Grades.** Grades of major streets shall not exceed seven percent. Grades of other streets shall not exceed ten (10) percent.

E. Curves in Streets. Curves in streets shall be permitted, provided no curve shall be smaller than that approved by traffic engineers as reasonably safe for traffic at the particular location of the curve.

F. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted if the same can be reasonably avoided.

G. Street Names. Proposed streets which are obviously in alignment or continuation of existing streets already named, shall bear the name of such existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, road, boulevard, drive, place or court, or an abbreviation thereof.

H. Blocks.

1. Blocks shall not be less than four hundred (400) feet and not more than eight hundred (800) feet in length, except as the village board considers necessary to secure efficient use of land or desired features of the street pattern;

2. In blocks six hundred (600) feet or more in length the village board may require a public cross walk for pedestrian travel of not less than five feet in width to extend entirely across the block at the location deemed necessary;

3. Blocks shall be wide enough to allow two tiers of lots, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the village board will approve a single tier of lots.

I. Lots.

1. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial curved street lines;

2. Residential lots not served by a public sewerage system and public water supply sys-

tem, shall not be less than seventy-five (75) feet wide at the building setback line, not less than one quarter acre in area; provided a greater area may be required for such lots if, in the opinion of the Iroquois County health department there are factors of drainage, soil condition or other conditions which cause potential health problems. The village board may require that data from percolation and other tests be submitted as a basis for passing upon proposed subdivisions dependent upon septic tanks as a means of sewerage disposal or private source of water supply;

3. The size of lots or tracts laid out and intended for business use shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated.

J. Easements. Where no alleys are provided, there shall be dedicated easements of not less than six feet in width for poles, wires, conduits, storm and sanitary sewer, gas, water or other utility pipes or lines, along the rear of each lot, and along the side lot lines where necessary. The easements shall be so laid out that a proper continuity may be had for such utilities from lot to lot and from block to block. No buildings shall be constructed upon the easements.

K. Public Lands. Whenever a proposed subdivision has an area of six acres or more (exclusive of public street and thoroughfares), the subdivider may be required to dedicate a reasonable area therein for public use for park, playground, recreational or other similar public purposes, which area so dedicated shall be in addition to all dedications for public streets and thoroughfares. In determining the area to be so dedicated as public grounds the village board shall give due consideration to the present and anticipated density of population within such subdivision and to the present and

future prospective public requirements for such public grounds; provided, that no subdivider shall be required to dedicate as public grounds for the aforesaid purpose more than five percent of the total area of any subdivision, exclusive of public streets and ways contained within such subdivision.

L. *Natural Features.* In all subdivisions due regard shall be given to the preservation of natural features such as large trees, water courses, historical and similar community assets, which, if preserved, will add attractiveness and value to the property. (Prior code § 22.04)

**16.16.030 Required improvements.**

The following improvements are required in any subdivision:

A. *Storm Drains.* An adequate system of storm water drainage may be required to be constructed and installed, consisting of pipes, tiles, manholes, inlets and other necessary facilities that will adequately drain the subdivision and protect roadway pavements, and will prevent the accumulation of storm water at any place under normal conditions. Open ditches shall be avoided if possible. Such drainage system shall be subject to approval by the engineer of the village.

B. *Sanitary Sewers.*

1. When located within the service area of a sanitary sewerage system, sanitary sewer mains shall be constructed throughout the entire subdivision in such manner as to serve adequately all lots and tracts with connection to such public system;

2. Where lots cannot economically or for other reasons be connected with a public sewerage system, provisions must be made for sanitary sewerage facilities approved by the Iroquois County health department.

C. *Water Supply.* When located within the service area of a public water supply system, water mains not less than four inches in diameter shall be constructed throughout the entire subdivision in such manner as to serve adequately all lots and tracts with connection to such public system, together with shut-off valves and fire hydrants; fire hydrants shall be installed throughout entire water system at intervals of not exceeding four hundred (400) feet. All fire hydrants shall have a seven inch barrel and shall be provided with two two-and-one-half inch hose connections and one steamer connection;

2. Where lots cannot economically or for other reasons be connected with a public water supply system, provision must be made for a water supply suitable for domestic use approved by the Iroquois County health department.

D. *House Services.*

1. House services shall be constructed to connect with the utility service mains constructed within any street or thoroughfare, to serve each adjoining lot, tract or building site; such house services shall extend from the main to a point at least eight feet beyond the outside curb lines of the proposed roadway pavement in the street, and at least one foot beyond the outside lines of proposed alley pavement;

2. All such house services connected with utility mains constructed within any street or thoroughfare, shall be located at the approximate center line of each lot, and no deviation shall be made from this requirement except upon prior approval by the engineer of the village;

3. Upon completion of the construction in place of all such house service connections with utility mains, an accurate map or maps showing the exact location of all such mains,

together with manholes, shut off valves and other similar facilities being a part thereof, by distances in feet from street lines, and of all such house service connections in distances in feet from the side lot lines, approved by the engineer of the village, shall be filed in the office of the village clerk.

E. Street Pavement.

1. All streets within the subdivision shall be improved with a durable hard surface roadway. The pavement shall be equal to or superior to a pavement consisting of a base course of crushed stone or gravel of a total thickness of not less than seven inches when thoroughly compacted. The materials used and the method of construction shall be in compliance with the specifications approved by the Division of Highways of the State of Illinois for the type of pavement designated as Class A-3 in the specifications, and shall be sufficient, in the opinion of the engineer of the village, to withstand the traffic that the roadways will presumably be subjected to;

2. The minimum width of the paved roadway, back to back of curb, shall be as follows:

- a. On residential streets, not less than twenty-five (25) feet;
- b. On major streets, not less than thirty (30) feet;
- c. On streets through business areas, not less than fifty (50) feet.

3. Before any paving work is commenced all street grading shall be properly completed as shown on grading plan submitted with final plat of subdivision;

4. After grading of the streets is completed and approved, and before the base course of the roadway pavement is laid, all of the underground work, such as sewer, water and gas mains, house service connections therewith, and any underground conduits for

electric and telephone lines, shall be completely installed in place and approved;

5. The surface course of the roadway pavement shall not be laid until the backfilling of all trenches dug for the installation of the aforementioned utility services have completely settled, or compacted to the satisfaction of the engineer of the village;

6. Before the surface course of the roadway pavement is laid all depressions in the base course shall be properly filled and brought to the required grade so as to create a level surface.

F. Alley Pavement. All alleys shall be improved with a roadway consisting of not less than five inches when thoroughly compacted or crushed stone or gravel, of the following widths:

- 1. Through residence blocks, not less than twelve (12) feet;
- 2. Through business areas, not less than sixteen (16) feet.

G. Curb and Gutter. The village board may require a suitable curb and gutter to be constructed along the outside lines of all street pavements. The type of curb and gutter shall be subject to the approval of the village board and engineer of the village.

H. Sidewalks.

1. If the property subdivided is located within the corporate limits of the village, or immediately adjacent thereto, sidewalks may be required by the village board if in their opinion sidewalks are essential or advisable by reason of existing sidewalks on adjoining streets;

2. Sidewalks, whether required or optional, shall be constructed in accordance with the specifications approved and used by the village for sidewalk construction.

I. Street Lighting. Street lighting shall be provided throughout the subdivision by the

subdivider, and shall be installed subject to the approval of the village board.

J. Street Signs. An appropriate street sign shall be erected at each street intersection within the subdivision. The type of sign and the location thereof shall be subject to the approval and direction of the village board.

K. Trees. If any trees are proposed to be planted on any part of the subdivision devoted to public use, the species of trees and the location thereof shall be subject to the approval and direction of the village board.

L. Inspection. All public improvements to be made under the provisions of this title shall be inspected during the course of construction by the engineer of the village or other competent person appointed by the village board. The compensation for such inspection and other costs incurred in connection with such inspection shall be paid by the subdivider to the village. The final completion of all such improvements shall be subject to the approval thereof by the engineer of the village. (Prior code § 22.05)

#### **16.16.040 Variance in standards.**

Where the subdivider can show that a provision of the standards of design or required improvements as set forth in Sections 16.16.020 or 16.16.030 would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site or surrounding condition, and in the opinion of the village board a departure may be made without destroying the intent of such provisions, the village board may approve a variance. Any variance approved shall be stated in writing in the minutes of the village board with the reasoning set forth upon which the variance was considered justified. (Prior code § 22.06)





## **Title 17**

### **ZONING**

#### **Chapters:**

- 17.04 General Provisions**
- 17.08 R-1 Residential Districts**
- 17.12 R-2 Mobile Home or Trailer Park Districts**
- 17.16 R-3 Multi-Family Residential Districts**
- 17.20 Business Districts**
- 17.24 Industrial Districts**
- 17.28 Public Use and Park Districts**
- 17.32 Nonconforming Uses**
- 17.36 Special Uses**
- 17.40 Board of Appeals**
- 17.44 Enforcement and Administration**



## Chapter 17.04

### GENERAL PROVISIONS

#### Sections:

- 17.04.010**    **Definitions.**
- 17.04.020**    **Applicability of title.**
- 17.04.030**    **Districts defined—  
Boundaries established.**
- 17.04.040**    **Boundaries—  
Uncertainty.**
- 17.04.050**    **Vacation of public ways.**
- 17.04.060**    **Permits.**
- 17.04.070**    **Lot area and dimension—  
Contiguous parcels.**
- 17.04.080**    **Lot area and dimension—  
Single parcel.**
- 17.04.090**    **Unlawful use of premises.**
- 17.04.100**    **Access to public way.**
- 17.04.110**    **Curves and street  
intersections.**
- 17.04.120**    **Structures already  
started.**
- 17.04.130**    **Alleys.**

#### **17.04.010**    **Definitions.**

A. When the meaning of words and terms used in this title are not clear, or subject to doubt, the definition of such words or terms shall be taken from the following, in order of preference:

1. Webster's International Dictionary (Unabridged);
2. Federal Housing Administration's Definitions.

B. For the purpose of this title, certain terms and words are defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

"Accessory buildings" means a subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises.

"Accessory use" means one which is incidental to the main use of the premises. (Ord. 95-1 Art. I)

#### **17.04.020**    **Applicability of title.**

This title shall apply to all territory located within the corporate limits of the village. (Ord. 95-1 Art. II)

#### **17.04.030**    **Districts defined— Boundaries established.**

A. Districts Defined. All lands subject to the provisions of this title are divided and classified into the following districts:

1. Residential district;
2. Multi-family residential district;
3. Mobile home or trailer park district;
4. Business district;
5. Industrial district;
6. Public use and park district.

B. The boundaries of such districts as they now exist are established as shown on the zoning map which accompanies the ordinance codified in this title, is attached to the end of said ordinance, and is made a part of this title. Any land, the classification of which may not be shown, is thereby classified as in the residential district, and is in the residential district, when annexed to the village, until differently classified by amendments of this title. (Ord. 2003-53 § 1; Ord. 95-1 Art. II § 1)

#### **17.04.040**    **Boundaries—Uncertainty.**

Wherever any uncertainty exists as to the boundary of any use district as shown on the zoning maps incorporated herein, the following rules shall apply:

A. Where district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the center line thereof.

B. Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

C. Where a lot held in one ownership and of record at the effective date of the ordinance codified in this title is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than twenty (20) percent. (Ord. 95-1 Art. II § 2)

**17.04.050 Vacation of public ways.**

Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such a vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. (Ord. 95-1 Art. II § 3)

**17.04.060 Permits.**

No application for a building permit or other permit or license, shall be approved by the administrative officer of this title, and no permit or license shall be issued by any other village department, which would authorize the use or change in use of any land or building contrary to the provisions of this title, or the erection, moving, alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this title. (Ord. 95-1 Art. IV § 1)

**17.04.070 Lot area and dimension—  
Contiguous parcels.**

When two or more parcels of land, each of which lacks adequate area and dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be classified as one zoning lot for such use. (Ord. 95-1 Art. IV § 2)

**17.04.080 Lot area and dimension—  
Single parcel.**

Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of this title, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or usable open space are not less than seventy (70) percent of the minimum required dimensions or areas. (Ord. 95-1 Art. IV § 3)

**17.04.090 Unlawful use of premises.**

No building or structure shall be erected converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than that which is permitted in the district in which such building or land is located, and no building or use of land shall conflict with or violate the yard, area and parking requirements of this title. (Ord. 95-1 Art. IV § 4)

**17.04.100 Access to public way.**

No building shall be constructed or erected upon a lot or parcel of land, which does not abut upon a public street or permanent easement of access to a public street, unless a public street or permanent easement of access to a public street of lesser width than the minimum specified in this title, was of record prior to

the adoption of this title. (Ord. 95-1 Art. IV § 5)

**17.04.110 Curves and street intersections.**

No wall, fence, or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility on a curve or at any street intersection. No fence shall be constructed of materials consisting of barbed wire, particle board, plywood, corrugated cardboard, or tin (originating from roofing or siding materials). Fences constructed from wooden materials shall contain wooden boards no wider than six inches. (Ord. 95-1 Art. IV § 6)

**17.04.120 Structures already started.**

Nothing in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of the ordinance codified in this title and upon which building actual construction has been diligently carried on, and provided further that such building shall be completed within two years from the date of passage and publication of said ordinance. (Ord. 95-1 Art. IV § 7)

**17.04.130 Alleys.**

In computing the depth of a rear yard or the width of a side yard, where such yard opens onto an alley, one-half of the alley width shall be assumed to be a portion of the yard. (Ord. 95-1 Art. IV § 8)

17.08.010

## Chapter 17.08

### R-1 RESIDENTIAL DISTRICTS

#### Sections:

- 17.08.010 Uses permitted.
- 17.08.020 Home occupations.
- 17.08.030 Lot size.
- 17.08.040 Front yards.
- 17.08.050 Side yards.
- 17.08.060 Rear yards.
- 17.08.070 Yard requirements—  
Other uses.
- 17.08.080 Access to the dwelling.
- 17.08.090 Access to living units.
- 17.08.100 Accessory buildings.
- 17.08.110 Parking requirements.
- 17.08.120 Dwelling standards.
- 17.08.130 Closing hours.
- 17.08.140 Vehicle conversion.

#### 17.08.010 Uses permitted.

The following uses are permitted in the R-1 residential district:

- A. Single-family dwellings;
- B. Churches;
- C. Schools;
- D. Libraries;
- E. Parks and athletic fields with customary buildings;
- F. Municipal utilities and buildings;
- G. Board and lodging houses;
- H. Public utility structures and uses required to serve residential areas;
- I. Growing of grains;
- J. Growing of fruits and vegetables and trees and shrubs;
- K. Temporary buildings for construction purposes only, to be removed within one year;
- L. Home occupations;
- M. Hospitals or sanitariums; and

N. Any use which is incidental to any of the above named uses. (Ord. 96-8 § 1 (part); Ord. 95-1 Art. V § 1)

#### 17.08.020 Home occupations.

A home occupation is a gainful occupation or profession customarily carried on by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. The home occupation shall be carried on wholly within the principal building or within a building accessory thereto, and only by members of the family occupying the premises and one person outside the family. There shall be no exterior display, no exterior storage of materials, no other exterior indication of the home occupation or variation from the residential character of the principal building, and no offensive odors, noise, vibration, smoke, dust, heat or glare shall be produced therefrom. Barber shops, tearooms, restaurants, dress shops, millinery shops, tourist homes, animal hospital and kennels, among others, shall not be deemed to be home occupations. (Ord. 95-1 Art. V § 2)

#### 17.08.030 Lot size.

Every one-family dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet and a width at the established building line of not less than seventy (70) feet, except as provided in Sections 17.04.060 and 17.04.070. (Ord. 95-1 Art. V § 3)

#### 17.08.040 Front yards.

A. The minimum distance from the face of a dwelling to the front property line on the narrow side of a lot shall be twenty-five (25) feet and in addition, there shall be fifteen (15)

feet from the property line to the face of the building on corner lots.

B. Where forty (40) percent of existing dwellings on one side of a street between intersecting streets have set-back lines established of less than twenty-five (25) feet, new dwellings need not set back more than the average of those already established, but not less than fifteen (15) feet. (Ord. 95-1 Art. V § 5)

**17.08.050 Side yards.**

The side yards of dwellings are restricted as follows:

A. Sum of side yards, single-family dwellings: fifteen (15) feet;

B. Minimum for one yard: six feet.  
(Ord. 96-8 § 1 (part); Ord. 95-1 Art. V § 6)

**17.08.060 Rear yards.**

The minimum distance from the rear of a dwelling on interior lots to the rear lot line shall be twenty-five (25) feet; corner lots, twenty (20) feet. (Ord. 95-1 Art. V § 7)

**17.08.070 Yard requirements—Other uses.**

Uses, other than dwellings, permitted in the residential district shall have each front, side, and rear yard equal to one-half of the height of the building, measured from the average ground level to the highest point of wall or roof (steeple excluded) but not less than the yard width required for dwellings. (Ord. 95-1 Art. V § 8)

**17.08.080 Access to the dwelling.**

Each dwelling shall be provided with a means of access for the removal of garbage and trash and for the delivery of fuel. Access for these services shall be provided at the rear of a dwelling by means of an alley, easement or open passage through the dwelling, unless

provided for by other satisfactory and acceptable means. (Ord. 95-1 Art. V § 10)

**17.08.090 Access to living units.**

A means of access to each living unit shall be provided without passing through any other living unit. Acceptable means of access to the rear yard shall be provided for each living unit without passing through any other living unit. (Ord. 95-1 Art. V § 11)

**17.08.100 Accessory buildings.**

In respect to side and rear yards, the word “dwelling” includes any accessory building that is attached to a structure designed for residential use or that is detached therefrom if wholly or partially alongside such residential structure, regardless of the extent of the separation or the facing of the accessory building and all such accessory buildings shall comply with the requirements of Sections 17.08.050 and 17.08.060. No accessory building shall be located nearer the front line than the minimum distance required for dwellings under Section 17.08.040, nor within five feet of the side line of the lot if such accessory building is detached from and to the rear of the dwelling or other building permitted in the residential district; provided, that no detached accessory building shall be located within eight feet of the rear lot line where such line forms part of the front half of the side line of an adjacent lot. (Ord. 95-1 Art. V § 12)

**17.08.110 Parking requirements.**

All dwellings and apartment buildings shall provide one off-street parking space for each unit. (Ord. 95-1 Art. V § 13)

**17.08.120 Dwelling standards.**

Every dwelling unit erected hereafter shall have a total floor area of not less than one

17.08.130

thousand two hundred (1,200) square feet measured from the outside of the exterior walls including utility rooms, but excluding cellars, basements, open or unheated porches, breezeways, attics, crawl spaces and garages. (Ord. 96-9 § 1; Ord. 95-1 Art. V § 14)

**17.08.130 Closing hours.**

No business or commercial establishment involved in retail or service operations and having a main business building located within two hundred (200) feet of any main residential buildings where both such buildings are located in an R-1 residential district within the village shall operate or remain open for business to the general public between the hours of midnight and six a.m. on any day. (Ord. 95-1 Art. V § 15)

**17.08.140 Vehicle conversion.**

No vehicle (as defined in the Illinois Vehicle Code) may be converted or transformed for permanent use (greater than thirty (30) days) as a storage shed, living quarters, or otherwise than for use as a vehicle in any location within the R-1 residential district. (Ord. 95-1 Art. V § 16)



## Chapter 17.12

### R-2 MOBILE HOME OR TRAILER PARK DISTRICTS

#### Sections:

- 17.12.010** Uses permitted.
- 17.12.020** Applicability of other provisions.
- 17.12.030** Mobile homes—Lot size requirements.
- 17.12.040** Limitations on use of mobile homes.
- 17.12.050** Closing hours.
- 17.12.060** Vehicle conversion.
- 17.12.070** Trailer parks—Rules and regulations.

#### **17.12.010** Uses permitted.

The following uses are permitted in the mobile home or trailer park district:

Mobile homes or house trailers, located in a licensed trailer park. (Ord. 95-1 Art. VI § 1)

#### **17.12.020** Applicability of other provisions.

The regulations applicable to R-1 residential districts, and contained in Sections 17.08.080, 17.08.090 and 17.08.110, are made applicable to uses permitted in R-2 mobile home or trailer park districts. (Ord. 95-1 Art. VI § 2)

#### **17.12.030** Mobile homes—Lot size requirements.

The use of mobile homes, also known as trailers, which are located in a state-licensed trailer park, is permitted in an R-2 mobile home or trailer park district. In trailer parks, the lot size for each trailer or mobile home must be at least two thousand one hundred (2,100) square feet in area, and each lot must

face or abut upon a private or public driveway or roadway of not less than sixteen (16) feet in width, which driveway or roadway shall have unobstructed access to a public street or alley. There shall be an open space of at least ten (10) feet adjacent to the sides of every mobile home and at least five feet adjacent to the ends of every mobile home. (Ord. 95-1 Art. VI § 3)

#### **17.12.040** Limitations on use of mobile homes.

Except as otherwise provided in this title, no person shall be permitted to park or occupy any trailer on any premises in any district outside of an approved trailer park. Emergency or temporary stopping of a trailer shall be allowed on any street, alley, or highway for not longer than two hours subject to any prohibitions, regulations or limitations imposed by the traffic regulations or laws for such street, alley, or highway. (Ord. 95-1 Art. VI § 4)

#### **17.12.050** Closing hours.

No business or commercial establishment involved in retail or service operations and having a main business building located within two hundred (200) feet of any main residential buildings, mobile home or trailers where both such buildings are located in an R-2 mobile home or trailer park district within the village, shall operate or remain open for business to the general public between the hours of midnight and six a.m. on any day. (Ord. 95-1 Art. VI § 5)

#### **17.12.060** Vehicle conversion.

No vehicle (as defined in the Illinois Vehicle Code) may be converted or transformed for permanent use (greater than thirty (30) days) as a storage shed, living quarters, or otherwise than for use as a vehicle in any location within the R-2 residential district.

17.12.070

(Amended during 2003 codification; Ord. 95-1 Art. VI § 6)

**17.12.070 Trailer parks—Rules and regulations.**

**A. Occupancy.**

1. Each trailer park mobile home owner or occupier residing within a R-2 mobile home or trailer park district (hereinafter defined as “homeowner”) shall use and occupy his or her lot to avoid any harm to the general health, safety, morals and welfare of other residents. Each homeowner and trailer park resident shall obey all laws and ordinances of the village, county, or the state and shall commit no act which cause the village or trailer park management to be in violation of any of these laws or ordinances.

2. No more than one family may occupy each mobile home. Boarders shall not be permitted.

3. Subletting or subrental of a mobile home to another person while occupying a lot zoned in a mobile home park shall not be allowed without permission from the trailer park management.

4. Each mobile home shall be equipped with a hand operated fire extinguisher or a type suitable for use on fat, oil, electrical and gasoline fires, and approved by the Illinois State Fire Marshal.

**B. Construction Restrictions.**

1. Each homeowner shall keep his or her mobile home in a safe condition at all times, free from uncovered garbage, vermin and discarded building materials.

2. All driveways, sidewalks and patios shall be maintained by each homeowner to be clean and presentable at all times. If they are neglected, unsightly or come into disrepair, homeowners may be notified by the village or

trailer park management to repair or replace the same at each homeowner’s expense.

3. Mobile homes must be skirted at all times. Each homeowner must maintain the skirting to current trailer park standards. Vinyl skirting or siding is recommended by the trailer park management.

4. Patio coverings, awnings, decks, steps and storage sheds must be approved by the building or zoning enforcement officer prior to any installation.

5. Any awnings, porches or carports must be constructed of aluminum or commercial products only, be in an attractive design, be demountable; conform to current building codes and be approved by trailer park management prior to installation. The installation of any screened porch, shed, room improvement or other exterior improvement shall not be permitted without the specific written approval of the trailer park management.

6. No homemade additions or structures shall be permitted unless approved to United States Housing and Urban Development Department (HUD) standards.

7. The exterior of all mobile homes shall be kept in good repair and maintained in an attractive fashion. All exterior painting and exterior staining colors, other than existing colors, shall be white or colors approved by trailer park management. Windows shall be either storm windows or of plexiglass construction. No clear plastic sheeting shall be permitted. Trim must be complementary to the siding in shades of colors as approved by trailer park management. Enclosed porches shall be white vinyl siding or colors approved by trailer park management. Patio coverings shall be made of Wolmanized Wood. Decks must be made of Wolmanized Wood and be portable (not set into the ground) and may be set on a concrete footing or slab.

8. No deck may exceed twenty-four (24) square feet of area.

9. All door openings shall exit onto steps and steps shall be made of metal, concrete or Wolmanized Wood and be accompanied by rigid railings. All steps shall be well maintained and uncluttered. Any deviations from standard steps must be approved by trailer park management. Concrete, metal or Wolmanized Wood steps shall be portable and laid on a concrete footing or slab.

10. Only commercial shed structures no larger than ten (10) feet by ten (10) feet shall be allowed on each property and shall be constructed of wood (can be made of treated plywood). No such commercial shed structures shall be made of metal, masonite, novaply, corboard or other similar materials. The color of the shed shall coordinate with the colors of the home. The shed shall be maintained in good repair and shall not be installed on a poured concrete slab. The shed shall be maintained near the center of the lot site and shall not extend beyond the rear of the mobile home. Only one shed per lot shall be allowed. No water or electrical service may be installed into any shed. If any shed must be moved for any repair to the mobile home lot site, it shall be moved at the owner's expense. Homeowners must receive written approval from the village and trailer park management prior to the purchase and installation of a shed. Any improvements installed in violation of these regulations shall be removed at the homeowner's expense.

#### C. Utilities and Garbage.

1. Any homeowner caught tampering with any water or electrical equipment will immediately have his or her lease cancelled or terminated.

2. Each homeowner shall protect his or her own water lines and water meters from

freezing. Heat tape shall be used. Heat tape shall be checked and connected to electrical service by October 31st of each year. Any service or repair charges to the trailer park management caused by repair of freezing or bursting pipes of the homeowner may be charged to the homeowner as additional rent and shall be due upon payment of the next month's rent.

3. All refuse shall be stored in fly-tight, water-tight, and rodent-proof containers with secured lids. They shall be stored out of sight behind the mobile home, or in the homeowner's shed.

4. Each homeowner shall maintain property and liability insurance for himself or herself and his or her home and contents. Homeowners are liable for their individual lot sites, including snow removal from their steps, sidewalks and driveways.

#### D. Lawns and Driveways.

1. All residents shall maintain their lot, including their driveway, in a clean and orderly fashion and care for their lawn and shrubbery. Any and all improvements to the lot shall be done at the homeowner's expense. Landscaping around the home is welcomed. Hedges and trees may be planted only with the written approval of trailer park management. All landscaping done by the homeowner shall become a permanent part of the property and may not be removed by homeowner except upon approval of the trailer park management. No fences, clothes lines, clothes towers, flags, banners, and antennas (including television) shall be permitted.

2. Each space must be kept neat and clean and no storage of bottles or junk will be allowed beyond the weekly garbage pickup day. Homeowner is responsible for the removal of any litter in his or her immediate lot area.

3. Homeowners may not store any icebox, refrigerator, stove, or other large appliances, building materials, furniture or similar items near the exterior of the mobile home or on the lot area.

4. Watering of lawns shall be done between the hours of six a.m. and nine a.m.; and seven p.m. and eleven p.m. only. No soakers or sprinklers are allowed and any watering must be done by hand.

E. Restrictions for Children.

1. Children shall not be permitted to play in the streets or on the spaces of other residents.

2. No wading or swimming pools shall be allowed.

3. Bicycles or toys shall be placed in front of the mobile homes and must be retrieved and stored when not in use.

4. The operation of skateboards, motorized dirt bikes and go-carts is not allowed on any trailer park property.

F. Pets.

1. Only one small domestic dog or cat under two feet high and under twenty (20) pounds at maturity shall be allowed per home and must be approved by the trailer park management. For the protection of all residents, pets that are noisy, unruly or become a nuisance and which cause legitimate complaints from neighbors to the management will not be allowed to remain and the homeowner shall dispose of such animal immediately at the request of trailer park management. At no time may a pet be housed outdoors or chained outdoors for any period of time and shall not be left to run freely throughout the park, common areas or neighbors' home sites. Pets must be walked on a leash and each owner shall remove any animal excrement. All pets shall have proper inoculations and currently registered dog tags.

2. No outdoor pet enclosures shall be permitted on the trailer park property.

G. Vehicles.

1. No boats, travel and camping trailers and camping trucks shall be parked on trailer park property.

2. Speeding within the property is prohibited. The speed limit is five miles per hour. Stop signs are placed on all streets for the protection of everyone. Persons repeatedly caught speeding or violating rules will be subject to removal from trailer park property or termination of their leases.

3. Cars shall be parked in the space provided for each lot. No parking on lawns or streets is allowed, unless otherwise specified in writing by the trailer park management. No trucks weighing in excess of a one-half ton pick-up truck shall be allowed in the park. All vehicles parked on trailer park property shall bear a current registration sticker. Abandoned vehicles may be towed away at the owner's expense pursuant to village ordinances. No homeowner shall perform or allow another to perform any repairs to any motor vehicles at any time upon trailer park property. Excessive noise from any vehicle shall not be permitted.

4. Mobile homes shall not be older than twenty (20) years. Double wide trailers are not allowed in any trailer park. (Ord. 95-1 Art. VI § 7)

## Chapter 17.16

### R-3 MULTI-FAMILY RESIDENTIAL DISTRICTS

#### Sections:

- 17.16.010 Uses permitted.
- 17.16.020 Parking spaces.
- 17.16.030 Lot size.
- 17.16.040 Density.
- 17.16.050 Front yards.
- 17.16.060 Side yards.
- 17.16.070 Rear yards.
- 17.16.080 Yard requirements—  
Other uses.
- 17.16.090 Yard requirements—  
Apartment buildings.
- 17.16.100 Dwelling standards.
- 17.16.110 Height standards.
- 17.16.120 Access to the dwelling.
- 17.16.130 Access to living units.

#### 17.16.010 Uses permitted.

The following uses are permitted in the R-3 multi-family residential district:

- A. Any structure permitted in the R-1 residential district;
  - B. Two-family dwelling;
  - C. Multi-family dwelling;
  - D. Apartment building.
- (Ord. 96-10 § 1)

#### 17.16.020 Parking spaces.

One parking space per unit shall be provided and such parking spaces shall be off-street on the lot or within three hundred (300) feet thereof. (Ord. 96-10 § 2)

#### 17.16.030 Lot size.

The minimum lot area in the R-3 district for a four unit or less family dwelling is ten thousand (10,000) square feet; the minimum for

other multi-family dwellings is two thousand five hundred (2,500) square feet per dwelling; and seventy-five (75) foot width. (Ord. 96-10 § 3)

#### 17.16.040 Density.

The maximum density shall be fifteen (15) units per acre. (Ord. 96-10 § 4)

#### 17.16.050 Front yards.

A. The minimum distance from the face of a dwelling to the front property line on the narrow side of a lot shall be twenty-five (25) feet and in addition, there shall be fifteen (15) feet from the property line to the face of a building on corner lots.

B. Where forty percent of existing dwellings on one side of a street between intersecting streets have setback lines established of less than twenty-five (25) feet, new dwellings need not set back more than the average of those already established, but not less than fifteen (15) feet. (Ord. 96-10 § 5)

#### 17.16.060 Side yards.

The side yards of dwellings are restricted as follows:

- A. Sum of side yards, single family dwellings: fifteen (15) feet;
  - B. Minimum for one yard: six feet;
  - C. Sum of side yards, multiple dwellings of three units or less: sixteen (16) feet;
  - D. Minimum for one yard: eight feet.
- (Ord. 96-10 § 6)

#### 17.16.070 Rear yards.

The minimum distance from the rear of a dwelling on interior lots to the rear lot line shall be twenty-five (25) feet; corner lots, twenty (20) feet. (Ord. 96-10 § 7)

17.16.080

**17.16.080 Yard requirements—Other uses.**

A. Uses, other than dwellings, permitted in the multi-family residential district shall have each front, side, and rear yard equal to one-half of the height of the building, measured from the average ground level to the highest point of wall or roof (steeple excluded) but not less than the yard width required for dwellings.

B. The maximum of ground coverage of buildings on a lot shall not exceed thirty (30) percent of the total area. (Ord. 96-10 § 8)

**17.16.090 Yard requirements—Apartment buildings.**

A. For all apartment buildings there shall be a rear yard of not less than fifteen (15) percent of the depth of the lot; provided however, such rear yard shall not exceed fifteen (15) feet in depth. Each apartment building shall have a side yard on each side of the building of not less than ten (10) percent of the width of the lot.

B. The maximum of ground coverage of buildings on a lot shall not exceed thirty (30) percent of the total area. (Ord. 96-10 § 9)

**17.16.100 Dwelling standards.**

Every dwelling unit erected hereafter shall have a minimum floor area of each unit as follows:

A. Efficiency apartment: five hundred (500) square feet;

B. One bedroom apartment: six hundred fifty (650) square feet;

C. Each additional bedroom: two hundred (200) square feet. (Ord. 96-10 § 10)

**17.16.110 Height standards.**

The maximum height of buildings permitted in multi-family residential districts shall be forty-five (45) feet. (Ord. 96-10 § 11)

**17.16.120 Access to the dwelling.**

Each dwelling shall be provided with a means of access for the removal of garbage and trash and for the delivery of fuel. Access for these services shall be provided at the rear of a dwelling by means of an alley, easement or open passage through the dwelling, unless provided for by other satisfactory and acceptable means. (Ord. 96-10 § 12)

**17.16.130 Access to living units.**

A means of access to each living unit shall be provided without passing through any other living unit. Acceptable means of access to the rear yard shall be provided for each living unit without passing through any other living unit. (Ord. 96-10 § 13)

## Chapter 17.20

### BUSINESS DISTRICTS

#### Sections:

- 17.20.010** Uses permitted.
- 17.20.020** Uses excluded.
- 17.20.030** Yard requirements.
- 17.20.040** Parking requirements.

#### **17.20.010** Uses permitted.

The following uses are permitted in business districts:

A. Any retail or business use not excluded in Section 17.20.020;

B. All mobile homes and residential use within fifty (50) feet of a building's first floor front are excluded in all business districts. (Ord. 2005-5 § 1; Ord. 95-1 Art. VII § 1)

#### **17.20.020** Uses excluded.

The following uses are specifically excluded from business districts:

A. All mobile homes and residential use within fifty (50) feet of a building's first floor front are excluded in all business districts.

B. Any use which creates detrimental noise, odor, fumes or vibration causing unlawful annoyance or damage, which creates abnormal traffic congestion, or which is dangerous because of high combustible materials used or manufactured and any of the following uses:

1. Livestock sales yard;
2. Poultry dressing;
3. Bottling works;
4. Large animal hospitals;
5. Equipment storage yards;
6. Hatcheries;
7. Bulk storage of petroleum products;
8. Feed grinding;
9. Machine shops;

10. Trucking depots;
11. Coal yards;
12. Junk yards and wrecking yards and salvage yards;
13. Contractor's plant or storage yard;
14. Milk receiving and/or processing;
15. Manufacturing of concrete products;
16. Lumber yards and building materials;
17. Manufacturing and industrial uses, except those incidental to accepted uses. (Ord. 2005-5 § 2; Ord. 95-1 Art. VII § 2)

#### **17.20.030** Yard requirements.

In business districts there shall be a rear yard of not less than ten (10) percent of the depth of the lot, provided however, such rear yard need not exceed fifteen (15) feet in depth, and provided that one-half the width of the alley, if any, may be applied as part of the required rear yard. In business districts, a side yard, if provided, shall not be less than three feet wide. (Ord. 95-1 Art. VII § 3)

#### **17.20.040** Parking requirements.

All business uses in the business district shall provide service space and off-street loading and unloading space where no alley way is available for the same. Parking for all residential uses in the business district must be provided in the rear of any such building where an alley way is available. (Ord. 2005-5 § 3; Ord. 95-1 Art. VII § 4)

17.24.010

## **Chapter 17.24**

### **INDUSTRIAL DISTRICTS**

the employees and all vehicles or trucks used by the industry or establishment in its trade or business. (Ord. 95-1 Art. VIII § 4)

#### **Sections:**

- 17.24.010 Uses permitted.**
- 17.24.020 Uses excluded.**
- 17.24.030 Rear yards.**
- 17.24.040 Parking requirements.**

#### **17.24.010 Uses permitted.**

The following uses are permitted in industrial districts:

- A. All uses permitted in business districts;
  - B. All uses excluded in business districts;
- and
- C. Industrial and manufacturing uses not hereinafter prohibited. (Ord. 95-1 Art. VIII § 1)

#### **17.24.020 Uses excluded.**

The following uses are excluded in industrial districts: all residential uses and any uses which are dangerous because of high combustible or inflammable material used or manufactured or which, due to the emission or accumulation within the corporate limits of fumes, dust, offensive refuse, smoke or gas, injure or impair to a marked degree the public health or safety. (Ord. 95-1 Art. VIII § 2)

#### **17.24.030 Rear yards.**

The minimum distance from the rear face of buildings to the rear property line or alley shall be such a distance as shall be adequate for ingress and egress to the building. (Ord. 95-1 Art. VIII § 3)

#### **17.24.040 Parking requirements.**

All industrial uses shall provide off-street parking space on the premises adequate to accommodate the automobiles and vehicles of



**Chapter 17.28****PUBLIC USE AND PARK DISTRICTS****Sections:****17.28.010 Uses permitted.****17.28.020 Existing structures to remain.****17.28.010 Uses permitted.**

The following uses are permitted in the public use and park districts:

A. Public parks;

B. Other public uses such as parking areas, provided that public uses other than for park purposes shall first be approved by the president and board of trustees by an appropriate resolution or ordinance. (Ord. 95-1 Art. IX § 1)

**17.28.020 Existing structures to remain.**

The erection of any future and additional buildings in public use and park districts is prohibited, unless first approved by an ordinance or resolution duly adopted by the president and board of trustees. Nothing in this section shall require the demolition of existing structures located in such districts. (Ord. 95-1 Art. IX § 2)

## Chapter 17.32

### NONCONFORMING USES

#### Sections:

#### 17.32.010 Nonconforming uses— Bare lots.

#### 17.32.020 Nonconforming use— Existing buildings.

#### 17.32.030 Mobile homes.

#### 17.32.010 Nonconforming uses—Bare lots.

The lawful use of land containing no buildings, which does not conform to the provisions of this code, shall be discontinued within three years from the date of the approval of the ordinance codified in this title. The use of land containing no buildings, which becomes nonconforming by reason of a subsequent change in this title, shall be discontinued within two years from the date of the changes. (Ord. 95-1 Art. X § 1)

#### 17.32.020 Nonconforming use— Existing buildings.

A. The lawful use of a building existing at the time of the adoption of the ordinance codified in this title may be continued, subject to the provisions of this title, although such use does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such shall not thereafter be changed to a less restricted use.

B. No building which has been damaged by fire, explosion, act of God or the

public enemy, to the extent of more than fifty (50) percent of its value, shall be restored except in conformity with the regulations of this title. In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of two years, the use of the same shall thereafter conform to the regulations of the district in which it is located.

C. Except as hereinafter provided, all nonconforming commercial or industrial buildings located within any dwelling district shall be removed or converted, and the building thereafter devoted to a use permitted in the district in accordance with the following schedule:

1. In the case of buildings erected before January 1, 1925—on or before January 1, 1980;

2. In the case of buildings erected between January 1, 1925 and January 1, 1940—on or before January 1, 1985;

3. In the case of buildings erected between January 1, 1940 and January 1, 1945—on or before January 1, 1990;

4. In the case of buildings erected since January 1, 1945—within forty (40) years from the date of the issuance of a building permit therefor. (Ord. 95-1 Art. X § 2)

#### 17.32.030 Mobile homes.

Except as permitted under Chapter 17.12, the use of mobile homes or trailers in all districts other than an R-2 district shall cease as a nonconforming use by December 31, 2009. In no case shall a mobile home or trailer which is a nonconforming use be replaced by another mobile home or trailer. The nonconforming use through December 31, 2009, extends solely to owners/occupants/lessees as of this date, and is extinguished upon any sale, lease or change in occupants subsequent to this date. The nonconforming use through December 31, 2009,

extends solely to owners/occupants/lessees as of this date, and is extinguished upon any sale, lease or change in occupants subsequent to this date. (Ord. 2005-1 §§ 1, 2; Ord. 02-3 § 1; Ord. 95-1 Art. X § 3) (Ord. No. 2008-2, §§ 1, 2, 3-10-08)



## Chapter 17.36

### SPECIAL USES

#### Sections:

- 17.36.010 Compliance with chapter.**
- 17.36.020 Declaration of policy.**
- 17.36.030 Application.**
- 17.36.040 Hearing on application.**
- 17.36.050 Action by board of trustees.**
- 17.36.060 Special use and variance defined.**

#### **17.36.010 Compliance with chapter.**

Special uses may be granted and allowed in accordance with the provisions of this chapter. (Ord. 95-1 Art. XI § 1)

#### **17.36.020 Declaration of policy.**

Recognizing that there are legitimate uses for which no provision has been made in some or all of the districts herein created, a procedure is created by which a special use may be requested in any of the districts and consideration of the request be given by the corporate authorities of the village. (Ord. 95-1 Art. XI § 2)

#### **17.36.030 Application.**

Any owner of any tract or lot in the village, wishing to make a use thereof not permitted under this title, may in writing make application to the president and board of trustees of the village for the appointment of a zoning commission and for the granting of a special use for such tract or lot. Upon the application being made, the zoning commission shall be appointed by an ordinance duly adopted by the board of trustees. (Ord. 95-1 Art. XI § 3)

#### **17.36.040 Hearing on application.**

Following the appointment of the zoning commission, the commission shall conduct a public hearing upon the application, following the same procedures as to notice and hearing as must be followed in an amendment of this title. At the conclusion of the hearing, the commission shall in writing report its findings and recommendations to the president and board of trustees of the village. (Ord. 95-1 Art. XI § 4)

#### **17.36.050 Action by board of trustees.**

Upon receipt of the report of the zoning commission, the board of trustees shall have power by ordinance either to grant or deny the application for a special use or to refer the application back to the zoning commission for further consideration and report. No special use shall be granted, if it is not compatible with the uses which by this title are permitted in the district for which the special use is requested to be allowed or granted. (Ord. 95-1 Art. XI § 5)

#### **17.36.060 Special use and variance defined.**

A. The special use power delegated to the zoning commission is to be applied in cases of necessity for the public convenience. It differs from a variance in that a special use is a permission by the commission to another to use his or her property in a manner contrary to this title, provided that the intended use is one of those specifically listed in this title, and provided that the public convenience will be served by the use; while a variance is a grant of relief to an owner from the literal requirements of this title where literal enforcement would cause the owner undue hardship.

B. Certain types of variances fall into the nature of a special use in two categories:

17.36.060

1. Uses which are either municipally operated or operated by public regulated utilities or uses traditionally affected with a public interest;

2. Uses which are entirely private in character but of such an unusual nature that their operations may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

C. Special use standards shall be as follows:

1. a. Is necessary for the public convenience at that location;

b. Is so designed, located and proposed to be operated that the public health, safety and welfare should be protected;

2. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;

3. Is within the provisions of special uses which the village may by other ordinance define, setting standards of location within the village regarding lot size and other matters;

4. Such special use shall conform to any village regulations in the zoning district in which the special use is to be located; such regulations pertaining to specific standards concerning noise, vibration, smoke, glare, heat, fire hazard, explosive hazard, and toxic, particulate and odorous matters. (Ord. 95-1 Art. XI § 6)

**Chapter 17.40**

**BOARD OF APPEALS**

**Sections:**

- 17.40.010**     **Established—Members.**
- 17.40.020**     **Meetings.**
- 17.40.030**     **Jurisdiction.**
- 17.40.040**     **Appeals—Review.**
- 17.40.050**     **Stay of proceedings.**
- 17.40.060**     **Notice on hearings.**
- 17.40.070**     **Rules and regulations.**
- 17.40.080**     **Variations.**
- 17.40.090**     **Procedure in case of nonconformity.**

**17.40.010**     **Established—Members.**

A. There is established a board of zoning appeals. The board shall consist of seven members appointed by the president and board of trustees and confirmed by the board of trustees.

B. The board of zoning appeals shall select one member as its chairperson and another to serve as its vice chairperson, each for a term of one year and subject to re-appointment. The chairperson, or in his or her absence, the vice chairperson, may administer oaths and compel the attendance of witnesses. The board shall also select one member as secretary to keep minutes and maintain the records of the board of zoning appeals. (Ord. 95-1 Art. XII § 1)

**17.40.020**     **Meetings.**

All meetings of the board of zoning appeals and all hearings shall be open to the public. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. Meetings may be called at the request of three members of the board. The board shall keep minutes of its proceedings

showing the vote of each member upon every question decided by it, or if any member is absent or fails to vote, indicating such fact. A statement of the facts found by the board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as herein provided shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes. The board shall adopt its own rules of procedure, a copy of which and all amendments thereto shall be filed in the office of the clerk. The minutes of the board shall be open to public examination at reasonable hours. Expenses incurred by the board of zoning appeals shall be itemized and such costs shall be borne by the village. (Ord. 95-1 Art. XII § 2)

**17.40.030**     **Jurisdiction.**

A. The board shall hear and decide appeals from, and review any order, requirement, decision, or determination, made by the administrative official charged with the enforcement of this title.

B. The board of zoning appeals shall also hear all applications for variations or variances to the provisions of this title and shall submit its recommendations, based upon a finding of fact, for enactment of an ordinance, if one is required. The board of trustees shall not have the power to grant a variation until a public hearing has been held by the board of zoning appeals, pursuant to notice and upon receiving the board's report with a finding of fact.

C. The board of zoning appeals shall have no authority to authorize change in the use of any parcel of property or structure.

D. The concurring vote of four members of the board shall be necessary to reverse any

#### 17.40.040

order, requirement, decision or determination of the officer from whom an appeal is taken or to decide in favor of the applicant any matter in which the board is required to pass under the provisions of this title. (Ord. 95-1 Art. XII § 3)

#### **17.40.040 Appeals—Review.**

A. Any person aggrieved by a ruling of the building inspector, respecting the interpretation of this title, or any officer, department, board or bureau of the village affected by a ruling of the building inspector concerning the interpretation of this title, may take an appeal to the board of zoning appeals. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rules adopted by it, and shall be taken by filing with the building inspector and with the board of zoning appeals a notice of appeal specifying the grounds thereof, together with such plats and exhibits as are reasonably necessary to perfect such appeal. Such appeals shall be taken upon forms provided by the board of zoning appeals. The building inspector shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.

B. Should the board of zoning appeals fail by rule to fix the time in which an appeal may be taken, then the appeal to the board of zoning appeals shall be taken within forty-five (45) days from the date of the making of the order, requirements, decision or determination from which the appeal is taken. (Ord. 2003-55 § 1; Ord. 95-1 Art. XII § 4)

#### **17.40.050 Stay of proceedings.**

A. The appeal shall stay all proceedings and furtherance of the action appealed from unless the inspector certifies to the board of zoning appeals after the notice of appeal has

been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning appeals or by a court of record upon application, with notice to the building inspector, and all due causes shown.

B. The board of zoning appeals shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the officer from whom the appeal is taken. It shall hear and decide the appeal within a reasonable time. At the hearing, parties in interest may appear in person or by agent or attorney.

C. The board of zoning appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officers from whom the appeal is taken. (Ord. 95-1 Art. XII § 5)

#### **17.40.060 Notice on hearings.**

Decisions and recommendations of the board of zoning appeals shall be reached only after a public hearing and after notice has been given by registered or certified mail to the applicant. In addition, notice of the time and place of such public hearing shall be published in a paper of general circulation in the village not fewer than fifteen (15) days nor more than thirty (30) days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the board is sought, as well as a brief description of the nature of the application. (Ord. 95-1 Art. XII § 6)



**17.40.070 Rules and regulations.**

The board of zoning appeals may from time to time adopt such rules and regulations as may be deemed necessary to carry into effect the provisions of this title. Such rules and regulations shall take effect ten (10) days after their publication in a newspaper with a circulation in the village. (Ord. 95-1 Art. XII § 7)

**17.40.080 Variations.**

The village board may by ordinance, after a finding of fact and a recommendation of variance made by the board of zoning appeals, and in accordance with the provisions of this title, grant variations relating to the use, construction, or alteration of buildings or structures or the use of land in those cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of this title. No such variation shall be made by ordinance, except in a specific case, and after a public hearing before the board of zoning appeals, of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) days nor fewer than fifteen (15) days before the hearing, in one or more newspapers with a circulation in the village. Such variations shall be in strict harmony with the general purposes and intent of this title, and shall not be made to convenience the applicant, but shall be made only to alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from this title. (Ord. 95-1 Art. XII § 8)

**17.40.090 Procedure in case of nonconformity.**

If, on any inspection, the conditions of a building or premises or its use or occupancy are found not to conform to the requirements of this title, or the conditions of any existing

permit therefor, the building inspector shall at once issue a written notice to the owner, specifying the manner in which the building or premises or its use or occupancy fails to conform, and the owner shall at once take steps to make it so conform, as directed by the building inspector; and if it is necessary for the proper protection of the occupants, the building inspector shall order the use of premises vacated, until its condition is made satisfactory in conformity with the requirements of this title, at which time a permit shall be issued as herein provided. (Ord. 95-1 Art. XII § 9)

**Chapter 17.44**

**ENFORCEMENT AND  
ADMINISTRATION**

**Sections:**

**Article I.**

**Interpretation and Amendments**

- 17.44.010 Interpretation.**
- 17.44.020 Petition for amendment.**

**Article II.**

**Inspections**

- 17.44.030 Building inspector—  
Office created—  
Appointment.**
- 17.44.040 Building inspector—  
Duties.**
- 17.44.050 Appeals.**
- 17.44.060 Inspections required—  
Fees.**

**Article III.**

**Permits**

- 17.44.070 Building permits  
required.**
- 17.44.080 Record of permits.**
- 17.44.090 Plats for permits.**
- 17.44.100 Fees for permits.**
- 17.44.110 Permits invalidated.**

**Article IV.**

**Violation—Penalty**

- 17.44.120 Unlawful uses.**
- 17.44.130 Violation—Penalty.**

**Article I.**

**Interpretation and Amendments**

- 17.44.010 Interpretation.**

This title shall not nullify more restrictive covenant agreements, resolutions, or other

ordinances, but shall prevail and control over those which are less restrictive. (Ord. 95-1 Art. XIII § 9)

**17.44.020 Petition for amendment.**

The regulations imposed and the zoning districts created under this title may be amended by ordinance, initiated either on the motion of the president and board of trustees or by a petition for amendment addressed to the president and board of trustees; but such ordinance of amendment shall not be adopted until all provisions of the statute relating to amendments of zoning ordinances have been met. No such ordinance of amendment may be adopted, until after a public hearing upon the proposed amendment has been held by a zoning commission duly appointed by the president and board of trustees, pursuant to public notice of the hearing given in accordance with the statute. (Ord. 95-1 Art. XIV § 1)

**Article II.**

**Inspections**

- 17.44.030 Building inspector—Office  
created—Appointment.**

There is created the office of building inspector of the village. The building inspector shall be appointed by the president, with the approval of the village board, and shall hold office for the term of one year, and until his or her successor is appointed and qualified. (Ord. 95-1 Art. XIII § 1)

- 17.44.040 Building inspector—Duties.**

It shall be the duty of the building inspector to see that the construction and repairs upon all buildings in the village conform to and comply with the rules and regulations established by this title and to enforce the provisions of this title. (Ord. 95-1 Art. XIII § 2)

**17.44.050 Appeals.**

Appeals from the decision of the building inspector may be made to the board of zoning appeals, as provided by law. (Ord. 95-1 Art. XIII § 3)

**17.44.060 Inspections required—Fees.**

A. No residence or multi-family residence shall be occupied by any person unless it has been subjected to and has passed an inspection process called for under this section. This requirement shall apply to any dwelling unit the construction of which is completed after the effective date of the ordinance codified in this section.

B. Prior to commencing the construction of any single or multi-unit residence, the general contractor shall provide plans thereof to the building inspector. The general contractor shall provide a schedule of construction and an estimate of stages of completion as shall be required by the building inspector in order to facilitate proper inspection of the building.

C. All construction of any part of any single or multi-family residences shall conform to national and state building code requirements which shall include, but may not be limited to; plumbing, electrical wiring, carpentry, roofing, foundation, and drainage requirements.

D. The building shall be inspected at least: three times for plumbing, two times for electrical work, and three times for other inspections, including without limitation, carpentry, footings, roofing, foundation, and drainage. Each inspection shall be performed by the building inspector or his or her designated agent. The result of each inspection or reinspection hereunder shall be in writing and shall be kept by the building inspector.

E. If any inspection indicates that the work which is inspected does not meet relevant state or national code requirements,

the inspector shall notify the general contractor in writing of the deficiency and construction on that unit shall cease unless the building inspector and general contractor agree upon a course of correction. When the general contractor believes that the problem is corrected he or she shall so notify the building inspector who shall then arrange for a reinspection of the building. If the reinspection indicates that the building conforms with the relevant building requirements, the general contractor may continue construction as planned. If the reinspection indicates that the building still fails to conform, the inspector shall notify the general contractor as above.

F. Fees. Each general contractor shall pay to the building inspector an inspection fee based upon the following scale for R-1 and R-2 type residential dwellings:

Up to 1,499 square feet	\$240.00
1,500 to 2,499 square feet	270.00
2,500 to 3,999 square feet	300.00
Above 4,000 square feet	300.00 plus additional fees as approved by the Village Board based upon inspections.
Existing structure additions not to exceed 50% of the original structure of square footage	150.00

Fees for nonresidential zoning permits and inspections will be determined based upon time and inspections by building inspector as approved by the village board.

G. Upon the successful completion of all inspections and payment of all required fees, the building inspector shall indicate that the general contractor has met all requirements hereunder.

H. Any existing building which is, for any reason, found not to be in compliance with any applicable state, federal, county or municipal building or other code shall thereafter not be occupied as a residence or used for any business purpose until and unless: (1) the violation of such building or other code is corrected and/or repaired; (2) the building inspector has inspected the premises and determined that the violation has been corrected; (3) the owner or occupant of the premises has paid to the building inspector a fee of forty dollars (\$40.00) for each inspection and for each reinspection. (Ord. 2004-5 §1; Ord. 97-9 §1; Ord. 95-1 Art. XVII §1)

### **Article III. Permits**

#### **17.44.070 Building permits required.**

No use shall be established, and no building or structure shall be erected or structurally altered or expanded, without a permit having first been issued by the building inspector, and no permit shall be issued unless it is in conformity with the provisions of this title or amendments thereafter duly enacted. (Ord. 95-1 Art. XIII § 4)

#### **17.44.080 Record of permits.**

A record of all permits and applications shall be kept on file in the office of the building inspector and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building affected. No permit for excavation for, or erection of, any building, or part of a building or for repairs to or alterations of, a building, or for the moving of any building from one lot to another, shall be issued until after a statement of its intended use has been filed by the applicant. (Ord. 95-1 Art. XIII § 5)

#### **17.44.090 Plats for permits.**

Each application for a building permit shall be accompanied by a plat in duplicate,

drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, its location on the lot or lots, a list of the types of materials to be used in the construction of the structure, and the approximate volume of the material to be used, and such other information as may be necessary to provide for the enforcement of this title. The applicant for a permit shall satisfy the building inspector that his or her property corners are properly staked and that the building or structure shall be located in strict accordance with the provisions of this title. (Ord. 95-1 Art. XIII § 6)

#### **17.44.100 Fees for permits.**

The inspection fees for residential dwellings is described in Section 17.44.060. The inspection fees for re-roofing and residing exceeding twenty-five (25) percent of the overall surface area of a garage or dwelling, fences, gazebos, and utility buildings or storage sheds, above seventy-five (75) square feet and not exceeding two hundred (200) square feet, shall be twenty-five dollars (\$25.00). The fees for patios and decks open to the sky shall be fifty dollars (\$50.00). The fees for enclosed patios, porches or decks, in-ground swimming pools, and garages less than one thousand two hundred (1,200) square feet shall be one hundred dollars (\$100.00). For all other construction work, including basements, and any second or upper story addition to existing structures upon any lot which increases the square footage of the structure within the village, the fees will be one hundred fifty dollars (\$150.00). All construction, which causes excessive necessity for inspection because of size or complexity, is subject to additional inspection fees as approved by the board of trustees. The fees shall be payable to the village clerk upon the filing of the

application for a permit. (Ord. 2003-54 § 1; Ord. 95-1 Art. XIII § 7) (Ord. No. 2008-1, § 2, 3-10-08)

day a violation occurs or continues. (Ord. 95-1 Art. XIV § 2)

**17.44.110 Permits invalidated.**

All permits issued under this title or any prior zoning ordinance shall be valid only for one year from the date of issue, unless the applicant has commenced construction pursuant to the permit. All permits under which construction has not been begun within one year after issuance thereof are invalidated. If actual construction was lawfully begun prior to the expiration of the building permit, and actual building construction has been diligently carried on during the pendency of such permit, such building construction shall be completed within two years from the date of issuance of the building permit. (Ord. 95-1 Art. XIII § 8)

**Article IV. Violation—Penalty**

**17.44.120 Unlawful uses.**

It is unlawful and a violation of this title for any person, firm or corporation to erect or alter any building or to make use of any premises subject to the regulations herein set forth, contrary to any of the provisions of this title. (Ord. 95-1 Art. XIV § 1)

**17.44.130 Violation—Penalty.**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this title shall, upon conviction, be guilty of a misdemeanor, and shall be fined not more than five hundred dollars (\$500.00) for each separate offense, or, in accordance with Section 1-2-1.1 of the Illinois Municipal Code, shall be incarcerated in a penal institution other than the penitentiary for not to exceed six months, or both. A separate offense shall be deemed committed on each



**STATUTORY REFERENCES  
FOR  
ILLINOIS CITIES AND VILLAGES**

The statutory references listed below refer the code user to state statutes applicable to Illinois municipalities. They are up to date through July 12, 2012.

**General Provisions**

Municipal government generally  
Ill. Const. art. VII; 65 ILCS 5

Home rule  
Ill. Const. art. VII § 6

Incorporation of cities  
65 ILCS 5/2-2-1 et seq.

Incorporation of villages  
65 ILCS 5/2-3-1 et seq.

Adoption of codes and public records by  
reference  
65 ILCS 5/1-3-1 et seq.

City powers generally  
65 ILCS 5/2-2-12

Village powers generally  
65 ILCS 5/2-3-8

Commission form of government  
65 ILCS Art. 5/4

Managerial form of government  
65 ILCS Art. 5/5

Strong mayor form of government  
65 ILCS Art. 5/6

Suffrage and elections  
Ill. Const. Art. III

Ordinances  
65 ILCS 5/1-2-1 et seq.

Census provisions  
65 ILCS 5/1-7-1 et seq.

Prosecution of ordinance violations  
65 ILCS 5/1-2-7 et seq.

Penalties for ordinance violations  
65 ILCS 5/1-2-1 et seq.

Administrative adjudications  
65 ILCS 5/1-2.1-1 et seq.

**Administration and Personnel**

Election, appointment and duties of municipal officers generally  
65 ILCS 5/3.1

Duties of officers of commission form municipalities  
65 ILCS 5/4-5-1 et seq.

Duties of officers of managerial form municipalities  
65 ILCS 5/5-3-1 et seq.

Duties of officers of strong mayor form municipalities  
65 ILCS 5/6-4-1 et seq.

Compensation of officers in commission form municipalities  
65 ILCS 5/4-6-1 et seq.

Compensation of officers in strong mayor form municipalities  
65 ILCS 5/6-5-1

Open Meetings Act  
5 ILCS 120

## STATUTORY REFERENCES

Conflict of interest

65 ILCS 5/3.1-55-10

Local ordinances prohibiting political activities and regulating gifts to public officials required

5 ILCS 430/70-5

Freedom of Information Act

5 ILCS 140

Fire and police commissioners

65 ILCS 5/10-2.1-1 et seq.

Duties of police officers

65 ILCS 5/11-1-2

Plan commissions

65 ILCS 5/11-12-4 et seq.

Board of local improvements

65 ILCS 5/9-2-7

Illinois Local Library Act

75 ILCS 5

Emergency management

20 ILCS 3305

### **Revenue and Finance**

Levy and collection of taxes

65 ILCS 5/8-3-1 et seq.

Local motor vehicle taxes

65 ILCS 5/8-11-4 and 625 ILCS 5/2-121

Emergency service and disaster operations tax

65 ILCS 5/8-3-16

Home Rule Municipal Retailers' Occupation Tax Act

65 ILCS 5/8-11-1, 5/8-11-6a

Non-Home Rule Municipal Retailers' Occupation Tax Act

65 ILCS 5/8-11-1.3, 5/8-11-1.1

Non-Home Rule Municipal Service Occupation Tax Act

65 ILCS 5/8-11-1.4, 5/8-11-1.1

Non-Home Rule Municipal Use Tax Act

65 ILCS 5/8-11-1.5, 5/8-11-1.1

Taxation of occupations or privileges

65 ILCS 5/8-11-2

Cigarette tax

65 ILCS 5/8-11-3

Home Rule Municipal Service Occupation Tax Act

65 ILCS 5/8-11-5, 5/8-11-6a

Home Rule Municipal Use Tax Act

65 ILCS 5/8-11-6, 5/8-11-6a

Home rule soft drink taxes

65 ILCS 5/8-11-6b, 5/8-11-6a

Home rule food and beverage tax to support parking facilities

65 ILCS 5/8-11-6c, 5/8-11-6a

Foreign fire insurance company fees

65 ILCS 5/11-10-1 et seq.

Municipal Tax Compliance Act

65 ILCS 80

Local Government Taxpayers' Bill of Rights Act

50 ILCS 45

Home Equity Assurance Act

65 ILCS 95

Taxpayer suits to recover money or property

65 ILCS 5/1-5-1

### **Business Taxes, Licenses and Regulations**

Licensing and taxing power generally

65 ILCS 5/11-42-1 et seq. and 5/11-60-1



## STATUTORY REFERENCES

Local regulation of alcoholic liquor  
235 ILCS 5/4-1 et seq.

Charitable solicitations  
225 ILCS 460

Local regulation of pool and billiards  
65 ILCS 5/11-42-2

Local regulation of merchants, peddlers and shows  
65 ILCS 5/11-42-5

Home Rule Municipal Retailers' Occupation Tax Act  
65 ILCS 5/8-11-1, 5/8-11-6a

Non-Home Rule Municipal Retailers' Occupation Tax Act  
65 ILCS 5/8-11-1.3, 5/8-11-1.2

Non-Home Rule Municipal Service Occupation Tax Act  
65 ILCS 5/8-11-1.4, 5/8-11-1.1

Non-Home Rule Municipal Use Tax Act  
65 ILCS 5/8-11-1.5, 5/8-11-1.1

Taxation of occupations or privileges  
65 ILCS 5/8-11-2

Cigarette tax  
65 ILCS 5/8-11-3

Home Rule Municipal Service Occupation Tax Act  
65 ILCS 5/8-11-5, 5/8-11-6a

Home Rule Municipal Use Tax Act  
65 ILCS 5/8-11-6, 5/8-11-6a

Home rule soft drink taxes  
65 ILCS 5/8-11-6b, 5/8-11-6a

Home rule food and beverage tax to support parking facilities  
65 ILCS 5/8-11-6c, 5/8-11-6a

Foreign fire insurance company fees  
65 ILCS 5/11-10-1 et seq.

Municipal Tax Compliance Act  
65 ILCS 80

Electrical contractors  
65 ILCS 5/11-33-1

CATV systems and satellite transmitted television programming  
65 ILCS 5/11-42-11

### **Animals**

Local regulation of animals running at large  
65 ILCS 5/11-20-9

Prevention of cruelty to animals  
65 ILCS 5/11-5-6

Humane Care for Animals Act  
510 ILCS 70

### **Health and Safety**

Board of health  
65 ILCS 5/11-16-1

Local health regulations  
65 ILCS 5/11-20-1 et seq.

Extraterritorial jurisdiction  
65 ILCS 5/7-4-1 et seq. and 5/11-42-9

Ambulances  
65 ILCS 5/11-5-7 et seq.

Local regulation of explosives, combustibles, and fireworks  
65 ILCS 5/11-8-4

Fire safety regulations  
65 ILCS 5/11-8-1 et seq.

Smoking in public places  
410 ILCS 82

## STATUTORY REFERENCES

Local regulation of food  
65 ILCS 5/11-20-1 et seq.

Municipal power to define, prevent and abate nuisances  
65 ILCS 5/11-60-2

Municipal power to prohibit offensive or unwholesome businesses  
65 ILCS 5/11-42-9 et seq.

Weed, grass tree and brush control  
65 ILCS 5/11-20-6 and 5/11-20-7

### **Public Peace, Morals and Welfare**

Municipal regulation of public order  
65 ILCS 5/11-1-1 and 5/11-5-1 et seq.

Crimes and punishments  
720 ILCS and 725 ILCS

Municipal curfews  
65 ILCS 5/11-1-5 and 720 ILCS 555

Sale of tobacco to minors  
720 ILCS 675 and 720 ILCS 680

Cannabis Control Act  
720 ILCS 550

Parental responsibility law  
740 ILCS 115

### **Motor Vehicles**

Local traffic regulations  
625 ILCS 5/11-207 et seq.

Local speed limits  
625 ILCS 5/11-208 and 5/11-604

Driving while intoxicated  
625 ILCS 5/11-500 et seq.

Abandoned vehicles  
625 ILCS 5/4-201 et seq.

### **Streets and Sidewalks**

Streets and sidewalks  
65 ILCS 5/11-80-1 et seq.

Crosswalks, curbs and gutters  
65 ILCS 5/11-80-11

### **Public Services**

Illinois Joint Municipal Electric Power Act  
65 ILCS 5/11-119.1-1 et seq.

Public Water District Act  
70 ILCS 3705

### **Buildings and Construction**

Local regulation of buildings and construction  
65 ILCS 5/11-30-1 et seq.

Local regulation of mobile homes  
65 ILCS 5/11-5-8

Mobile Home Park Act  
210 ILCS 115

### **Subdivisions**

Local regulation of plats  
65 ILCS 5/11-15-1 and 5/11-12-8

Plat Act  
765 ILCS 205

### **Zoning**

Zoning  
65 ILCS 5/11-13-1 et seq.

## PRIOR CODE CROSS-REFERENCE TABLE

This table provides users with the current disposition of the sections in the Onarga Village Code.

Prior Code §	Herein	Prior Code §	Herein
1.01	1.04.010	4.01	3.08.010
1.02	1.04.020	4.02	3.08.020
1.03	1.04.030	4.03	3.08.030
1.04	1.04.040	4.04	3.08.040
1.05	1.04.050	4.05	3.08.050
1.06	1.08.010	4.06	3.08.060
1.07	Repealed by 2003-1	4.07	3.08.070
1.08	1.08.020	4.08	3.08.080
1.09	1.04.060	5.01	Repealed by 2003-11
1.10	Not codified	5.02	Repealed by 2003-11
1.11	1.04.070	5.03	Repealed by 2003-11
1.12	1.08.030	5.04	Repealed by 2003-11
1.30	2.36.040	5.05	Repealed by 2003-11
2.01	2.04.010	5.06	Repealed by 2003-11
2.02	2.04.020	5.07	Repealed by 2003-11
2.03	2.04.030	5.08	Repealed by 2003-11
2.04	2.04.040	5.09	Repealed by 2003-11
2.05	2.04.050	5.10	Repealed by 2003-11
2.06	2.04.060	5.11	Repealed by 2003-11
2.07	2.04.070	5.12	Repealed by 2003-11
2.08	2.04.080	5.13	Repealed by 2003-11
2.09	2.04.090	5.14	Repealed by 2003-11
2.10	2.04.100	6.01	12.04.010
3.01	2.08.010—2.08.060	6.02	12.04.020
3.02	2.12.010—2.12.030	6.03	12.04.030
3.03	2.16.010—2.16.030	6.04	12.04.040
3.04	2.20.010—2.20.030	6.05	12.04.050
3.05	2.32.010—2.32.050	6.06	12.04.060
3.06	2.24.010	6.07	12.04.070
3.07	2.36.010	6.08	12.04.080
3.08	2.36.020	6.09	12.08.010
3.09	1.04.080	6.10	12.04.090
3.10	3.04.010	6.11	12.04.100
3.11	2.36.030	6.12	12.04.110
3.12	2.28.010	6.13	12.04.120
3.13	2.40.010—2.40.090	6.14	12.04.130
3.13.1	2.40.100	6.15	12.04.140

TABLES

Prior Code §	Herein	Prior Code §	Herein
6.16	12.12.010	12.01	8.24.010
8.01	12.16.010	12.02	8.24.020—8.24.050
8.02	12.16.020	12.03	8.24.060
8.03	12.16.030	12.04	8.24.070
8.04	12.20.010	12.05	Repealed by 2003-1
8.05	12.20.020	12.06	8.36.010
8.06	12.16.040	12.07	8.20.010—8.20.040
8.07	12.16.050, 12.20.010	12.08	8.12.010—8.12.030
9.01	13.04.010	12.09	5.08.010
9.02	13.04.020	12.10	5.16.020
9.03	13.04.030	12.60	10.24.010—10.24.020
9.04	13.04.040	13.01	Repealed by 2003-1
9.05	13.04.050	13.02	Repealed by 2003-1
9.06	13.04.060	13.03	Repealed by 2003-1
9.07	13.04.070	13.04	Repealed by 2003-1
9.08	13.04.080	13.05	8.16.010
9.09	13.04.090	13.06	8.16.020
9.09 1/2	13.04.100	13.07	8.16.030
9.10	13.04.110	13.08	8.16.040
9.11	13.04.120	14.01	6.04.010
9.12	13.04.130	14.02	6.04.020
9.13	13.04.140	14.03	6.04.030
9.14	13.04.150	14.04	6.04.040
9.15	13.04.160	14.05	6.04.050
9.16	13.04.170	22.01	16.04.010
9.17	13.04.180	22.02	16.04.020
9.18	13.04.190	22.03	16.16.010
9.19	13.04.200	22.04	16.16.020
9.20	13.04.260	22.05	16.16.030
9.21	13.04.210	22.06	16.16.040
9.22	13.04.220	22.07	16.04.030
9.23	13.04.230	22.08	16.08.010—16.08.040
9.24—9.26	13.04.240	22.09	16.12.010—16.12.040
9.30	13.04.250	22.10	16.04.040
10.01	13.08.010	22.11	16.04.050
10.02	13.08.020	22.12	16.04.060
10.03	13.08.030	22.13	16.04.070
10.10—10.13	13.08.040	22.14	16.04.080
10.20	13.08.050	31.01	5.04.010
11.01	8.04.010	31.02	5.04.020
11.02	8.04.020	31.03	5.04.030

<b>Prior Code §</b>	<b>Herein</b>	<b>Prior Code §</b>	<b>Herein</b>
31.04	5.04.040	33.12	5.20.130
31.05	5.04.050	33.13	5.20.140
31.06	5.04.060	33.14	5.20.150
31.07	5.04.070	33.15	5.20.160
31.08	5.04.080	33.16	5.20.170
31.09	5.04.090	33.17	5.20.180
31.10	5.04.100	33.18	5.20.190
31.11	5.04.110	33.19	5.20.200
31.12	5.04.120	33.20	5.20.210
31.13	5.04.130	33.21	5.20.220
31.14	5.32.040	33.22	5.20.230
31.15	5.32.030	33.23	5.20.240
31.16	5.32.020	33.24	5.20.250
32.01	5.12.010	33.25	5.20.260
32.02	5.16.010, 5.16.030	33.26	5.20.270
32.03	5.32.050	33.27	5.20.280
32.04	5.24.010	33.28	5.20.290
32.05	5.24.020	33.29	5.20.300
32.06	5.24.030	33.30	5.20.310
32.07.01	5.28.010	33.31	5.20.070, 5.20.320, 5.20.340
32.07.02	5.28.020	33.32	5.20.330, 5.20.350
32.07.03	5.28.030	41.01	10.04.010, 10.04.020
32.07.04	5.28.040	41.02	10.08.010
32.07.05	5.28.050	41.03	Repealed by 2003-1
32.07.06	5.28.060	41.04	10.08.020
32.07.07	5.28.070	41.05	Not codified
33.01	5.20.010	41.06	Not codified
33.02	5.20.020	41.07	Repealed by 2003-1
33.03	5.20.030	41.08	10.16.010
33.04	5.20.040	41.09	10.16.020
33.05	5.20.050	41.10	Not codified
33.06	5.20.060	41.11	Not codified
33.07	5.20.080	41.12	10.16.030
33.08	5.20.090	41.13	10.16.040
33.09	5.20.100	41.14	10.16.050
33.10	5.20.110	41.15	10.16.060
33.11	5.20.120	41.16	10.16.070

<b>Prior Code §</b>	<b>Herein</b>	<b>Prior Code §</b>	<b>Herein</b>
41.17	10.16.080	41.23.42	10.20.320
41.18	Repealed by 2003-1	41.23.43	10.20.330
41.19	Repealed by 2003-1	41.23.44	10.20.340
41.20	Not codified	41.23.45	10.20.350
41.21	Repealed by 2003-1	41.23.46	10.20.360
41.22	Repealed by 2003-1	41.23.47	10.20.370
41.23.01—	10.20.010	41.23.47.01	10.20.380
41.23.13		41.23.48	10.20.390
41.23.14	10.20.020	41.23.49	10.20.400
41.23.15	10.20.030	41.23.50	10.20.410
41.23.16	10.20.040	41.23.51	10.20.060
41.23.17	10.20.070	41.23.52	Repealed by 2003-1
41.23.18	10.20.080	41.23.53	10.20.050
41.23.19	10.20.090	41.24	10.12.010
41.23.20	10.20.100	41.26	10.12.020
41.23.21	10.20.110	43.01	9.04.010
41.23.22	10.20.120	43.02	9.20.010
41.23.23	10.20.130	43.03	9.20.020
41.23.24	10.20.140	43.04	9.04.020
41.23.25	10.20.150	43.05	9.08.010
41.23.26	10.20.160	43.06	9.08.020
41.23.27	10.20.170	43.07	9.04.030
41.23.28	10.20.180	43.08	9.08.030
41.23.29	10.20.190	43.09	9.08.040
41.23.30	10.20.200	43.10	9.08.050
41.23.31	10.20.210	43.11	9.04.040
41.23.32	10.20.220	43.12	9.04.050
41.23.33	10.20.230	43.13	9.08.060
41.23.34	10.20.240	43.14	9.08.070
41.23.35	10.20.250	43.15	9.12.010
41.23.36	10.20.260	43.16	9.08.080
41.23.37	10.20.270	43.17	9.04.060
41.23.38	10.20.280	43.18	9.12.020
41.23.39	10.20.290	43.19	9.04.070
41.23.40	10.20.300	43.20	9.04.080
41.23.41	10.20.310		

As of Supplement No. 4, this table will no longer be updated.

## ORDINANCE LIST AND DISPOSITION TABLE

Beginning with Supplement No. 4, this table will be replaced with the "Code comparative Table and Disposition List."

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
83-1	Street vacation (Special)	12/7/87	Amends prior code Ch. 41, stop and yield intersections (Not codified)
83-6	Adds prior code § 9.09 1/2, water system (13.04)		
83-7	Rezone (Special)	5/2/88	Amends prior code Ch. 12, abandoned vehicles (8.08)
83-11	Adds prior code §§ 9.21, 9.22 and 9.23, water service system (13.04)	6/6/88	Amends prior code § 13.08, garbage collection (8.16)
83-12	Adds Arts. II, III and IV to Ch. 12, nuisances (8.08, 8.28, 8.32)	6/27/88	Repeals prior code Ch. 44, dangerous buildings (Repealer)
84-2	Establishes economic development commission (2.44)	2/6/89	Amends prior code § 9.11, water bills (13.04)
84-4	Rezone (Special)	90-1	Cross-connection control (13.12)
84-7	Adds prior code §§ 9.24, 9.25 and 9.26, water system (13.04)	90-2	Amends prior code § 33.06, liquor licenses (5.20)
84-8	Adds § 41.25, stop streets (Repealed by 2003-46)	7/2/90	Amends Arts. V, VI and XI of zoning ordinance (Repealed by 2003-52)
84-9	Repeals and replaces prior code § 3.13, police department (2.40)	93-2	Amends prior code § 12.40, abandoned vehicles (8.08)
85-3	Adds prior code Ch. 10, sewers and drains (13.08)	94-1	Adopts FCC cable television regulations (5.32)
85-5	Adds prior code § 33.31; amends prior code § 33.06, liquor licenses (5.20)	6/7/94	Amends prior code § 33.06, liquor licenses (5.20)
85-10	Repeals and replaces prior code §§ 41.10 and 41.11, parking (Not codified)	95-1	Zoning ordinance (17.04, 17.08, 17.12, 17.20, 17.24, 17.28, 17.32, 17.36, 17.40, 17.44)
87-1	Adds prior code Ch. 44, dangerous buildings (Repealed by 6/27/88)	3/6/95	Amends prior code § 1.06, penalties (1.08)
		96-3	Rezone (Special)
		96-4	Adds prior code §§ 33.30—33.32, liquor licenses (5.20)

TABLES

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
96-6	Amends prior code § 33.06, liquor licenses (5.20)	98-5	Amends prior code § 33.19, liquor regulations (5.20)
96-7	Amends prior code § 33.30, liquor regulations (5.20)	99-1	Adopts State Gift Ban Act (2.48)
96-8	Amends Art. V of zoning ordinance (17.08)	99-2	Rezone (Special)
96-9	Amends Art. V of zoning ordinance (17.08)	99-3	Amends prior code § 13.08, garbage collection (8.16)
96-10	Adds Art. VI-A to zoning ordinance (17.16)	99-4	Adds prior code § 9.06(8), water service (13.04)
96-12	Adds prior code § 31.14, video game devices (5.32)	99-5	Adds prior code § 33.25(d), liquor licenses and regula- tions (5.20)
97-1	Amends prior code § 9.04, water system (13.04)	99-6	Amends prior code § 4.01, purchasing (3.08)
97-3	Designates stop sign loca- tions (Not codified)	99-9	Adds prior code § 43.19, loud vehicle sound systems (Repealed by 2003-1)
97-4	Adds prior code § 9.25, water system (Repealed by 2003-1)	2001-1	Tax rights and responsibili- ties (3.12)
97-5	Adds prior code § 3.13.1, police officer hiring stan- dards (2.40)	2001-2	Amends prior code § 13.08, garbage collection (8.16)
97-6	Adds prior code § 33.31, lingerie shows dancing and contests (5.20)	2001-3	Amends prior code § 9.09, water wells (13.04)
97-7	Adds prior code § 1.30, drug-free work place (2.36)	2001-4	Adds prior code § 41.26, snow routes (10.12)
97-8	Adds prior code § 9.30, resale of water (13.04)	2001-5	Adds prior code § 43.20, loitering (9.04)
97-9	Adds Art. XVII to zoning ordinance (17.40)	2001-6	Adds prior code § 12.60, police impoundment lots (10.24)
97-11	Adds prior code § 31.15, mobile home parks (5.32)	2001-7	Amends prior code § 2.10, standing committees (2.04)
97-12	Adds prior code § 9.04(6), water system (13.04)	2001-8	Designates prevailing wage rates (Special)
98-3	Adds prior code § 33.32, telephone service (5.20)	2001-9	Adds prior code § 31.16, mobile home licenses (5.32)
98-4	Amends prior code § 41.02, speed limits (10.08)	2001-10	Appropriations (Special)
		2001-11	Tax levy (Special)



ORDINANCE LIST

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
2001-12	Adds prior code § 43.19, loud vehicle sound systems (9.04)	2003-5	Repeals prior code § 1.07 (Repealer)
2002-1	Fair housing (9.16)	2003-6	Amends prior code § 2.04, board of trustees special meetings (2.04)
2002-2	Groundwater protection regulations (Repealed by 2003-51)	2003-7	Amends prior code § 2.09(a), standing commit- tees (2.04)
2002-3	Amends Art. X, § 3 of zoning ordinance (17.32)	2003-8	Amends prior code § 3.03(b)(2), village trea- surer (2.16)
2002-4	Amends prior code § 33.06(c), liquor licenses and regulations (5.20)	2003-9	Amends prior code § 3.12(a), budget officer (2.28)
2002-5	Amends prior code § 9.06(8), water system (13.04)	2003-10	Amends prior code §§ 4.03(a) and (c), 4.04 and 4.06, purchasing system (3.08)
2002-6	(Superseded by 2002-7)	2003-11	Repeals prior code §§ 5.01—5.14 (Repealer)
2002-7	Budget and appropriations (Special)	2003-12	Amends prior code § 9.24, water service system (13.04)
2002-8	Imposition of simplified municipal telecommunica- tions tax (3.16)	2003-13	Amends prior code § 11.02(a), board of health (8.04)
2002-9	Amends prior code § 33.06, liquor licenses and regula- tions (5.20)	2003-14	Amends prior code § 11.02(c), board of health (8.04)
2003-1	Repeals Ords. 97-4 and 99-9 and prior code Ch. 12.05 and §§ 1.07, 6.09(b), 12.10(d), 13.01—13.04, 13.06, 32.01(c), 33.19(a), 41.01, 41.03, 41.07, 41.18, 41.19, 41.21, 41.22, 41.23.52, 43.01(10) and (12), 43.03(b) (12.08)	2003-15	Amends prior code § 12.02(c)(2), nuisances (8.24)
2003-2	Amends prior code § 1.02(a) and (b), defini- tions (1.04)	2003-16	Amends prior code § 12.02(c)(5), nuisances (8.24)
2003-3	Amends prior code § 1.02(a) and (b), defini- tions (1.04)	2003-17	Amends Ord. 83-12 § 12.45; repeals prior code § 12.05, abandoned vehi- cles (8.08)
2003-4	Amends prior code § 1.06(a), penalties (1.08)		

TABLES

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
2003-18	Repeals prior code § 12.10(d), junk dealers (5.16)	2003-31	Amends prior code § 33.24, liquor licenses and regulations (5.20)
2003-19	Repeals prior code §§ 13.01—13.04 (Repealer)	2003-32	Repeals and replaces prior code § 41.01, state traffic laws adopted (10.04)
2003-20	Repeals and replaces prior code § 13.06, refuse and garbage disposal (8.16)	2003-33	Amends prior code § 41.02, speed limits (10.08)
2003-21	Repeals and replaces prior code § 14.04, impoundment of dogs and cats (6.04)	2003-34	Repeals prior code §§ 41.03, 41.18, 41.19, 41.21 and 41.22 (Repealer)
2003-22	Amends prior code § 14.05, animal recovery fee (6.04)	2003-35	Repeals prior code § 41.07 (Repealer)
2003-23	Amends prior code § 22.09(b)(6), final plat (16.12)	2003-36	Amends prior code § 41.23.06, snowmobiles (10.20)
2003-24	Amends prior code § 32.01(a), handbill distributors (5.12)	2003-37	Amends prior code § 41.23.14, snowmobiles (10.20)
2003-25	Repeals prior code § 32.01(c), handbill distributors (5.12)	2003-38	Amends prior code § 41.23.18, snowmobiles (10.20)
2003-26	Amends prior code § 33.01, liquor licenses and regulations (5.20)	2003-39	Amends prior code § 41.23.44, snowmobiles (10.20)
2003-27	Adds prior code § 33.04(a)(17) and (18), liquor licenses and regulations (5.20)	2003-40	Amends prior code § 41.23.53, snowmobiles (10.20)
2003-28	Amends prior code § 33.12 [33.03(12)], liquor licenses and regulations (5.20)	2003-41	Amends prior code § 41.24, hazardous substance truck routes (10.12)
2003-29	Amends prior code § 33.19(a), liquor licenses and regulations (5.20)	2003-42	Amends prior code §§ 43.01, 43.04 and 43.12, offenses against public peace and decency (9.04)
2003-30	Amends prior code §§ 33.21(c), 33.22(e) and 33.28(b), liquor licenses and regulations (5.20)	2003-43	Amends prior code § 43.05, fires (9.08)
		2003-44	Repeals and replaces prior code § 43.16, parades, meetings and assemblies in public places (9.08)

ORDINANCE LIST

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
2003-45	Repeals prior code § 43.03(b), weapons (9.20)	2004-6	Rezone (Special)
2003-46	Repeals Ord. 84-8 and prior code § 41.25 (Repealer)	2005-1	Amends § 17.32.030, zoning (17.32)
2003-47	Repeals Ord. 97-4 (Repealer)	2005-2	Amends § 8.16.040, garbage and refuse (8.16)
2003-48	Amends § A-102 of Ord. 99-1, ethics officer (2.48)	2005-3	Amends § 13.04.120, water service system (13.04)
2003-49	Repeals Ord. 99-9 (Repealer)	2005-4	Adds Ch. 8.40, abating chronic nuisance properties (8.40)
2003-50	Amends § 4 of Ord. 2002-1, fair housing (9.16)	2005-5	Amends §§ 17.20.010, 17.20.020 and 17.20.040, zoning (17.20)
2003-51	Water well setback zones; repeals Ord. 2002-2 (13.16)	2005-6	Adopts the 2003 Edition of the International Residential Code (15.04)
2003-52	Repeals Ord. 7/2/90 (Repealer)	2005-7	Budget and appropriation (Special)
2003-53	Amends Art. III, § 1 of Ord. 95-1, zoning (17.04)	2005-8	Tax levy (Special)
2003-54	Amends Art. XIII, § 7 of Ord. 95-1, zoning (17.44)	2005-9	Adds Ch. 13.20, waterworks and sewerage system (13.20)
2003-55	Amends Art. XII, § 4 of Ord. 95-1, zoning (17.40)	2006-1	Amends § 8.16.040, garbage and refuse (8.16)
2004-1	State Officials and Employees Ethics Act (2.52)	2007-1	Amends § 8.16.040, garbage and refuse (8.16)
2004-2	Designates prevailing wage rates (Special)	2007-2	Amends § 13.04.090, water service system (13.04)
2004-3	Approves membership and authorizes execution of intergovernmental contract (Special)	2007-3	Amends § 13.04.100, water service system (13.04)
2004-4	Amends prevailing wages (Special)	2007-4	Budget and appropriation (Special)
2004-5	Amends § 17.44.060, zoning (17.44)	2007-5	Tax levy (Special)

Beginning with Supplement No. 4, this table will be replaced with the "Code comparative Table and Disposition List."



## CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a numerical listing of the ordinances of Onarga, Illinois beginning with Supplement No. 4, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
2008-1	3-10-08	Zoning	2	17.44.100
2008-2	3-10-08	Zoning	1, 2	17.32.030
2008-3	3-14-08	Truck routes and snow routes	4—6	10.12.020 (A)—(C)
2009-1	1-19-09	Electric utility system		Omit
2009-2	3-9-09	Authorizes sale of property		Omit
2009-3	5-4-09	Garbage and refuse	1	8.16.040(B)
2009-4	6-8-09	Prevailing wages		Omit
2009-5	8-10-09	Annual budget and appropriation		Omit
2009-6	9-21-09	Water service system		13.04.210, 13.04.220
2009-7	9-21-09	Waterworks and sewerage system	Art. I, § 2	13.20.020
			Art. III, § 3b	13.20.190(B)
			Art. III, § 14 Added	13.20.293
			Art. V, § 2 Added	13.20.413
			Art. VIII, § 3	13.20.500
			Art. VIII, § 8 Added	13.20.543
			Art. IX, §§ 1—3	13.20.550— 13.20.570
			Art. IX, § 10 Added	13.20.633
			Art. X	13.20.640
2009-8	11-23-09	Tax levy		Omit
2010-1	2-22-10	Alley vacation		Omit
2010-2	6-7-10	Prevailing wages		Omit
2010-3	7-5-10	Annual budget and appropriation		Omit

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
2010-4	11-22-10	Wastewater and sewerage system	Rpld	13.20.010— 13.20.670
			Art. I, §§ 1—8 Added	13.20.010— 13.20.080
			Art. II, §§ 1—8	13.20.090— 13.20.160
			Art. III, §§ 1—14	13.20.170— 13.20.300
			Art. IV, §§ 1—11	13.20.310— 13.20.410
			Art. V, §§ 1, 2	13.20.420, 13.20.430
			Art. VI, §§ 1—3	13.20.440— 13.20.460
			Art. VII, §§ 1—3	13.20.470— 13.20.490
			Art. VIII, §§ 1—8	13.20.500— 13.20.570
			Art. IX, §§ 1—10	13.20.580— 13.20.670
			Art. X	13.20.680
			Art. XI	13.20.690
			Art. XII	13.20.700
			Art. XIII, § 1	13.20.710
2010-5	10-4-10	Tax levy		Omit
2010-6	11-8-10	Authorizes sale of municipally owned real property		Omit
2011-1	6-6-11	Prevailing wages		Omit
2011-2	7-5-11	Annual budget and appropriation		Omit
2011-3	8-22-11	Adopts official comprehensive plan		Omit
2011-4	12-5-11	Tax levy		Omit
2012-1	1-9-12	Liquor licenses and regulations	1, 2	5.20.060(C)

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
2012-2	2-6-12	Authorizes Northern Illinois Gas Company (d/b/a Nicor Gas Company) its successors and assigns, to construct, operate, and maintain a gas distributing system in and through the village		Omit
2012-3	3-5-12	Authorizes the execution of a professional services agreement by and between the village and Daniel P. Schuering, attorney-at-law		Omit
2012-4	3-5-12	Authorizes the establishment of tax increment financing "interested parties" registries and adopting registration rules		Omit
2012-5	5-21-12	Nuisances generally	1	8.24.010— 8.24.070
2012-6	7-9-12	Prevailing wages		Omit
2012-7	7-30-12	Annual budget and appropriation		Omit





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- Creation of office
  - appointment 2.20.010
- Duties 2.20.020

## VILLAGE CLERK

- Bond 2.12.030
- Duties 2.12.020
- Election and term 2.12.010

## VILLAGE COLLECTOR

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  - powers and duties 2.24.010

## VILLAGE PARKS GENERALLY

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- Operating policy 12.16.020
- Protection of park property 12.16.010
- Tennis and basketball court regulations 12.16.040
- Use of park areas 12.16.030

## VILLAGE PRESIDENT

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- Bond 2.08.060
- Designation of duties 2.08.040

## WATERWORKS AND SEWERAGE SYSTEM

### VILLAGE PRESIDENT (Cont'd.)

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### VILLAGE TREASURER

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### WATER SERVICE SYSTEM

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    bills 13.04.110  
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    13.04.190  
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### WATER SERVICE SYSTEM (Cont'd.)

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### WATERWORKS AND SEWERAGE SYSTEM

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    13.20.180  
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## WATERWORKS AND SEWERAGE SYSTEM

### WATERWORKS AND SEWERAGE SYSTEM (Cont'd.)

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  - generally 13.20.470, 13.20.650
  - liability to the village 13.20.490
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## ZONING

### ZONING (Cont'd.)

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