Revised Code
-of-
Ordinances
of
Staunton,
Illinois

[Supplemented January 1, 2019]
(Through Ord. No. 1970)

PREPARED BY:
Illinois Codification Services
“Serving Illinois Since 1970”
Post Office Box 69
Freeburg, Illinois 62243-0069
Phone: (618) 539-5771
FAX: (618) 539-9890
CITY OF STAUNTON

ORDINANCE NO. ______

AN ORDINANCE ENACTING
A CODE OF ORDINANCES
FOR THE
CITY OF STAUNTON, ILLINOIS

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF STAUNTON, ILLINOIS

THIS 28TH DAY OF APRIL, 1997

Published in book form by authority of the Mayor and the City Council of the City of Staunton, Macoupin County, Illinois this 28th day of April, 1997.
ORDINANCE NO. _______

AN ORDINANCE ADOPTING AND ENACTING A REVISED CODE OF
ORDINANCES OF THE CITY OF STAUNTON, MACOUPIN COUNTY,
ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
STAUNTON, MACOUPIN COUNTY, ILLINOIS, THAT:

SECTION 1: The following exhibit shall be “The Revised Code of
Ordinances” of the City of Staunton, Macoupin County, Illinois” and shall be as
follows:

SEE EXHIBIT “A” FOLLOWING

Passed this 28th day of April, 1997 by the Mayor and City Council of the City of
Staunton, Macoupin County, Illinois, and deposited and filed in the office of the City
Clerk in said City on that date.

_________________________________
MARILYN HERBECK
CITY CLERK
STAUNTON, ILLINOIS

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Approved by the Mayor of the City of Staunton, Macoupin County, Illinois, this 28th day
day of April, 1997.

_________________________________
WAYNE HEINEMEIER
MAYOR
STAUNTON, ILLINOIS

ATTEST:

_________________________________
MARILYN HERBECK
CITY CLERK
STAUNTON, ILLINOIS

(SEAL)
CITY CLERK’S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF MACOUPIN ) ss. CITY CLERK’S OFFICE
CITY OF STAUNTON )

I, Marilyn Herbeck, City Clerk of the City of Staunton, do hereby certify that the following Revised Code of Ordinances of the City of Staunton, Macoupin County, Illinois, published by authority of the City Council was duly passed by the City Council of the City of Staunton, Illinois, approved by the Mayor, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set and affixed the Corporate Seal of the City of Staunton, Illinois, this 28th day of April, 1997.

______________________________
MARILYN HERBECK
CITY CLERK
STAUNTON, ILLINOIS

(SEAL)
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<td>Zoning: Variance: 413 E Olive St</td>
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<td>Appropriation</td>
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<td>Charity Roadblock: Knights of Columbus</td>
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<td>Charity Roadblock: Adopt A Pet</td>
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<td>Charity Roadblock: Elbon Shrine Club</td>
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<td>Utilities: Storm Water Utility</td>
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<td>Administration: Bidding Amounts</td>
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<td>Tax Levy</td>
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<td>Motor Vehicles: Stop Signs/Speed Limits</td>
<td>11/27/17</td>
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<td>1920</td>
<td>Charity Roadblock: Salvation Army</td>
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<td>1921</td>
<td>Business: Raffles</td>
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<td>1922</td>
<td>Mandated Policies: Sexual Harassment</td>
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<td>Motor Vehicles: Speed Restrictions</td>
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<td>Pre-Annexation Agreement: Milhelcic</td>
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<td>Employees: Agreement</td>
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<td>1931</td>
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<td>1932</td>
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<td>1936</td>
<td>Ambulance Agreement</td>
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<td>1939</td>
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<td>1941</td>
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<td>Drainage Easement: 1054 Deer Run Ct</td>
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<td>1946</td>
<td>Intergovernmental Agreement</td>
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<td>Pre-Annexation Agreement: Foster</td>
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<td>Zoning: Special-Use: 226 W Phillips St</td>
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<td>1957</td>
<td>Charity Roadblock: Elbon Shrine</td>
<td>09/24/18</td>
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<td>1958</td>
<td>Liquor: Licenses</td>
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<td>1959</td>
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<td>1960</td>
<td>Asset Purchase Agreement</td>
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<td>Pre-Annexation Agreement: Zarr</td>
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<td>Pre-Annexation Agreement: Mueller</td>
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<td>Charity Roadblock: Adopt-A-Pet</td>
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<td>1964</td>
<td>Mandated Policies: Sexual Harassment</td>
<td>10/22/18</td>
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<td>1965</td>
<td>Zoning: Rezoning: Renken Rd</td>
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<td>1966</td>
<td>Pre-Annexation Agreement: Boster</td>
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<td>1967</td>
<td>Pre-Annexation Agreement: Johnson</td>
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<td>1968</td>
<td>Tax Levy</td>
<td>12/10/18</td>
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<td>1969</td>
<td>Public Safety: Police Agreement</td>
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<td>1970</td>
<td>Charity Roadblock: Salvation Army</td>
<td>11/26/18</td>
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EXHIBIT "A"

CHAPTER I
ADMINISTRATION

ARTICLE I - GENERAL CODE PROVISIONS

DIVISION I - TITLE

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

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

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

1-1-4 JURISDICTION. Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the City. 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 City to regulate such particular acts outside the corporate limits.

1-1-5 - 1-1-7 RESERVED.
DIVISION II - SAVING CLAUSE

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

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

1-1-9 PUBLIC UTILITY ORDINANCES. No ordinance relating to railroads or railroad crossings with streets and other public ways or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.
1-1-10  **COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

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

1-1-11  **SEVERABILITY OF PROVISIONS.** Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.
The City Clerk’s Certificate shall be substantially in the following form:

CITY CLERK’S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF MACOUPIN ) ss. CITY CLERK’S OFFICE
CITY OF STAUNTON )

I, Marilyn Herbeck, City Clerk of the City of Staunton, Illinois, do hereby certify that the following Revised Code of Ordinances of the City of Staunton, Illinois of 1997, published by authority of the City Council were duly passed by the City Council of the City of Staunton, Illinois, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the City of Staunton, Illinois, this 287th day of April, 1997.

________________________
MARILYN A. HERBECK
CITY CLERK
CITY OF STAUNTON

(SEAL)

1-1-12 CITY CLERK’S CERTIFICATE.  The City Clerk’s Certificate shall be substantially in the following form:

1-1-13 - 1-1-19 RESERVED.
DIVISION III - GENERAL PENALTY

1-1-20 PENALTY. In accordance with 65 ILCS 5/1-2-1, it is hereby established by the City that violations of the Revised Code of Ordinances, as may exist currently or such ordinances as may be later adopted, shall subject the defendant to fines of not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** per violation. For purposes of this Section, every day that a violation exists shall be deemed a separate chargeable offense, potentially subjecting the defendant to multiple citations. The City hereby waives the right to seek jail time for any violation of the Revised Code of Ordinances, although the defendant who violates an Order of the Court regarding an ordinance violation may be subject to contempt proceedings with the Court which may result in jail time in the event the Court's Orders regarding disposition of an ordinance violation are not followed.

In addition to the above fines and costs, a penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant do one or both of the following:

(A) Complete an education program, except that a holder of a valid commercial driver's license who commits a vehicle weight or size restriction violation shall not be required to complete an education program under this Section.

(B) Perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities.

A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The municipal attorney of the municipality in which the fine or penalty was imposed may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of that fine or penalty. Any fees or costs incurred by the municipality with respect to attorneys or private collection agents retained by the municipal attorney under this Section shall be charged to the offender.

The Chief of Police is authorized to informally adjudicate ordinance violations and allow the defendant the opportunity to pay a fine or cost, or perform such public service as may be deemed necessary and appropriate and in deviation of the fines and penalties as set forth herein, in advance of submitting the ordinance violation to the Court System for formal adjudication.

(Ord. No. 1649; 11-26-12)

1-1-21 RESERVED. (Ord. No. 1192)

1-1-22 SERVICE BY CERTIFIED MAIL. In all actions for violation of any municipal ordinance where the fine should not be in excess of **Seven Hundred Fifty Dollars ($750.00)** and no jail term could be imposed, service of summons may be made by the Chief of Police by certified mail, return receipt requested, whether service is to be within or without the State. (See 65 ILCS Sec. 5/1-2-9.1)
1-1-23 APPLICATION.  
(A) The penalty provided in this Chapter shall be applicable to every section of this City Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.  
(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.  
(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

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

1-1-25 LICENSE. When a person is convicted of a violation of any section of this Code, any license previously issued to him by the City may be revoked by the court or by the City Council.
ARTICLE II - CITY OFFICIALS

DIVISION I - CITY COUNCIL

1-2-1 CITY COUNCIL. The City Council shall consist of the Mayor and eight (8) Aldermen, two (2) from each of the four (4) wards, and their term of office shall be for four (4) years, and until their successors are elected and have qualified. (See 65 ILCS Sec. 5/3.1-10-50(D) and 5/3.1-20-10)

1-2-2 REGULAR MEETINGS. The regular stated meetings of the City Council shall be held in the City Hall Complex on the second (2nd) and fourth (4th) Mondays of each month at 7:00 P.M. When said meeting date falls upon a legal holiday, the meeting shall be held on the following Tuesday at the same hour. Adjourned meetings may be held at such times as may be determined by the Council. Public notice of regular meetings shall be given in accordance with the Meetings of Public Agencies Act of the State of Illinois, Illinois Compiled Statutes, Ch. 5, Sections 120/1 through 120/5. (See 65 ILCS Sec. 5/3.1-40-25)

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

1-2-4 VACANCY. When a vacancy occurs, if more than twenty-eight (28) months remain in the term and the vacancy occurs not less than one hundred thirty (130) days before the general municipal election, next scheduled under the general election law, the office shall be filled for the remainder of the term at that general municipal election. During the period from the time that the vacancy occurs until the next election of Aldermen, the Mayor shall appoint a qualified person to the office subject to the advise and consent of the City Council. (See 65 ILCS Sec. 5/3.1-10-50(B))
COMMITTEES. The following standing committees of the City Council are hereby established, to-wit:

(A)
1. Public Health & Safety
2. Park/Civil Improvement
3. Judiciary
4. Finance/Claims
5. Utilities

(B)
6. Street
7. Public Grounds
8. Tourism
9. Personnel
10. Annexation

(Ord. No. 1568; 12-13-10)

(B) The committees shall be appointed annually by the Mayor.
(C) The Mayor shall be ex-officio chairman of each and every standing committee.
(D) So far as is practicable, reports of committees shall be in writing.
(E) As provided by law, any report of a committee of the Council shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any two (2) Aldermen present. (See 65 ILCS Sec. 5/3.1-40-35)
(F) All committee meetings are subject to the Open Meetings Act requirements and minutes shall be taken. (See 5 ILCS Sec. 120/1 and 120/2.06)

SPECIAL COMMITTEES. Special Committees may be appointed by the Mayor, subject to the advice and consent of the Aldermen, as may be needed from time to time.

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

EDITOR'S NOTE: When the Council has a Mayor and eight (8) Aldermen, a quorum is four (4), which may consist of the Mayor and four (4) Aldermen, or five (5) Aldermen.

COMPELLING ATTENDANCE. It shall be the duty of each and all Aldermen to attend all regular meetings of the City Council and all special meetings when each has been duly notified of the date and place of such meeting. If, at any special meeting duly called, a quorum is not present, the Aldermen in attendance may adjourn the same to some stated time.

EDITOR'S NOTE: No procedure is set forth in the statutes for determining that a vacancy exists. Where a true question exists as to the presence of a vacancy, a hearing should be held before the vacancy is declared. A registered letter should be sent to the last known address of the person whose office is in question.

RESERVED.
DIVISION II - RULES OF THE CITY COUNCIL

1-2-11 RULES OF THE COUNCIL. The following rules of order and procedure shall govern the deliberations and meetings of the City Council. (See 65 ILCS Sec. 5/3.1-40-15)

(A) Order of Business (First Meeting of the Month – 2nd Monday). The order of business shall be as follows:

1. Call to order. 7:00 – 7:01
2. Pledge of Allegiance. 7:02 – 7:02
3. Roll Call. 7:02 – 7:04
4. Consent Agenda. 7:04 – 7:06
   (a) Minutes (Regular, Special, Committee & Executive)
   (b) Collector’s Report
   (c) Applications
   (d) Claims
5. Guests. 7:06 - 7:10
6. Correspondence. 7:10 – 7:15
7. Treasurer’s Report. 7:15 - 7:17
8. City Clerk’s Report. 7:17 - 7:20
9. Approval of Committee Reports & Motions. 7:20 - 8:20
   (a) Public Health & Safety. 7:20 - 7:25
   (b) Parks/Civic Improvement. 7:25 - 7:30
   (c) Finance/Claims. 7:30 - 7:35
   (d) Utilities. 7:35 - 7:40
   (e) Street. 7:40 - 7:45
   (f) Public Grounds. 7:45 - 7:50
   (g) Tourism. 7:50 - 7:55
   (h) Personnel. 7:55 - 8:00
   (i) Annexation. 8:00 - 8:10
   (j) Special Committees. 8:10 - 8:15
   (k) Judiciary. 8:15 - 8:20
10. Unfinished Business. 8:20 - 8:25
11. New Business. 8:25 - 8:30
12. Executive Session. 8:30 - 8:50
13. Motions from Executive Session. 8:50 - 9:00
14. Adjournment. 9:00

(Ord. No. 1568; 12-13-10)

(B) Order of Business (Second Meeting of the Month – 4th Monday).

The order of business shall be as follows:

1. Call to order. 7:00 – 7:01
2. Pledge of Allegiance. 7:02 – 7:02
3. Roll Call. 7:02 – 7:04
4. Consent Agenda. 7:04 – 7:06
   (a) Minutes (Regular, Special, Committee & Executive)
   (b) Collector’s Report
   (c) Applications
   (d) Claims
5. Guests. 7:06 - 7:10
6. Correspondence. 7:10 – 7:15
All questions relating to the priority of business shall be decided by the chair without debate, subject to appeal.

(Ord. No. 1568; 12-13-10)

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

In case of any disturbance or disorderly conduct, the presiding officer shall have the power to require that the chamber be cleared.

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

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

(E) **Reserved.**

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

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

The City Council, by motion, may limit debate. The Presiding Officer shall have the right to participate in debate. While a member is speaking, no Alderman shall hold any private discussion, nor pass between the speaker and the Chair.

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

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

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

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

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

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

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

(N) Withdrawal of Motions. After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the Aldermen, but it may be withdrawn at any time before decision, by consent of the Aldermen.

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

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

(Q) Taking and Entering the Votes - Explanations of Votes Not Permitted. If any member required it, the “yeas” and “nays” upon any question shall be taken and entered in the journal; but the yeas and nays shall not be taken unless called for prior to any vote on the question.

When the Clerk has commenced to call the roll of the members for the taking of a vote by yeas and nays, all debate on the question before the City Council shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by the Clerk, by answering yea or nay, as the case may be.

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

(S) Precedence of Motions. When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:
(1) To adjourn to a day certain.
(2) To adjourn.
(3) To take a recess.
(4) To lay on the table.
(5) The previous question.
(6) To refer.
(7) To amend.
(8) To defer or postpone to a time certain.
(9) To defer or postpone (without reference to time.)
(10) To defer or postpone indefinitely.

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

(T) **Motions to Adjourn.** A motion to adjourn the City shall always be in order, except:

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

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

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

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

(V) **Motions to Lay on the Table and to Take From the Table.** A motion to lay the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

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

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

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

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

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

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

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

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

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

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

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

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

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

(CC) **Adoption of Robert’s “Rules of Order Revised”.** The rules of parliamentary practice comprised in the latest published edition of Robert’s “Rules of Order Revised” shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Council.

(DD) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of two-thirds (2/3) of the Aldermen entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of two-thirds (2/3) of all the Aldermen entitled by law to be elected.
**Censure of Aldermen - Expulsion of Aldermen.** Any Alderman acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Council, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a two-thirds (2/3) vote of all Aldermen elected. (See 65 ILCS Sec. 5/3.1-40-15)

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

**1-2-13 EXECUTIVE SESSION MINUTES.** Every six (6) months the minutes of the previous executive sessions shall be reviewed and released.

**1-2-14 ADDRESS BY NON-MEMBERS.** Members of the public wishing to address the City Council in connection with its special and regular scheduled City Council meetings shall be afforded the opportunity to do so in connection with the rules established by the City Council herein. Individuals wishing to address the City Council may do so regarding any item of business listed on the agenda for action by the City Council during the meeting for which the individual wishes to address the Council. Individuals wishing to address the Council shall be included on the agenda listed under the “Guests” section of the agenda format previously approved and codified by the City Council. The presiding officer shall impose a three (3) minute limit at his/her discretion. Individuals who choose to be placed on the agenda to address the City Council shall, prior to the meeting at issue, complete an informational card which shall include their name, address, phone number and the item on which they wish to speak. The purpose of filing such information shall be to assist with completion of the official record of the City Council proceedings. Individuals shall be granted the opportunity to address the City Council to speak on any issue pending before the Council at that meeting, which participation by the public shall be non-interactive with the Council, and designed to provide a forum for the individual to address the City Council and speak in favor of or against issues of pending business. No person shall interrupt, disturb or disrupt any regular or special meeting of the City Council. Upon direction of the presiding officer, any such person shall be asked to leave the Council Chambers and the meeting place. If said individual or groups of individuals persist in disrupting the Council proceedings, the presiding officer may request that the Police Chief or his designated representative to escort them from the meeting and building. (Ord. No. 1587A; 06-27-11)
DIVISION III - ORDINANCES

1-2-15 ORDINANCES.
(A) Attorney. It shall be the duty of the City Attorney to prepare such ordinances as may be required by the City Council.

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

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

(D) Ordinances - Approval-Veto. All resolutions and motions (1) which create any liability against a City, or (2) that provide for the expenditure or appropriation of its money, or (3) to sell any City property, and all ordinances, passed by the City Council shall be deposited with the City Clerk. If the Mayor approved of them, he shall sign them. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the City Council, with his written objections, at the next regular meeting of the City Council.
occurring not less than five (5) days after their passage. The Mayor may disapprove of any one (1) or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of the Mayor's signature. (See 65 ILCS Sec. 5/3.1-40-45)

1-2-16 RECONSIDERATION--PASSING OVER VETO. Every resolution and motion, specified in Section 1-2-14 and every ordinance, that is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting. If, after reconsideration, two-thirds (2/3) of all the Aldermen then holding office on the City Council shall agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. (See 65 ILCS Sec. 5/3.1-40-50)

1-2-17 NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING. No vote of the City Council shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting at least as many Aldermen as were present when the vote was taken. (See 65 ILCS Sec. 5/3.1-40-55)

1-2-18 RESERVED.
DIVISION IV - GENERAL PROVISIONS

1-2-19  CORPORATE SEAL.
(A)  The Corporate Seal of the City shall consist of a circular disk containing die with the words, “The City of Staunton, Illinois” on the outer margin thereof and the words “Corporate Seal” in the inner circle thereof.  (See 65 ILCS Sec. 5/2-2-12)
(B)  The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the City and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal.  The seal shall be and remain with the City Clerk who shall be the legal custodian.  (See 65 ILCS Sec. 5/3.1-35-90)

1-2-20  ELECTIONS.
(A)  Election Procedure.  The provisions of the Illinois Compiled Statutes, Chapter 10 and Chapter 65, Section 5/3.1-10-10 concerning municipal elections shall govern the conduct of the City elections.
(B)  Inauguration.  The inauguration of newly elected City officials shall occur at the first regular or special meeting of the City Council in the month of May following the general municipal election in April.  (See 65 ILCS Sec. 5/3.1-10-15)

1-2-21  APPOINTMENT OF ELECTED OFFICIALS.  No Alderman of this City, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor except if such Alderman is granted a leave of absence from such office.  However, such Alderman may serve as a volunteer fireman and receive compensation for such service.  Any appointment in violation of this section is void.  (See 65 ILCS Sec. 5/3.1-15-15)
NOTE:  One (1) member may serve on the Library Board.  (See 75 ILCS Sec. 5/4-1 and 50 ILCS Sec. 105/2)

1-2-22  MUNICIPAL OFFICERS - REGULATIONS.
(A)  Effect.  The provisions of this Division shall apply alike to all officers and employees of the City regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.
(B)  Qualifications; Appointive Office.
(1)  All police officers of Staunton, Illinois shall be required to live within a thirty (30) mile radius of the City Hall.  (Ord. No. 1817; 10-26-15)
(C) **Bond.** Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position. *(See 65 ILCS Sec. 5/3.1-10-30)*

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

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

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

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

(H) **Conservators of Peace.**

1. The Mayor and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:
   1. to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,
   2. to commit arrested persons for examination,
   3. if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and
   4. to exercise all other powers as conservators of the peace prescribed by the corporate authorities.
All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. (See 65 ILCS Sec. 5/3.1-15-25)

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

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

The Mayor and the Clerk shall have the power to administer this oath or affirmation upon all lawful occasions. (See 65 ILCS Sec. 5/3.1-15-20) (See “Administration of Oaths”, Section 1-2-63)

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

QUALIFICATIONS; ELECTIVE OFFICE.

(A) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one (1) year next preceding the election.

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

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

BONDS OF CITY OFFICERS.

(A) Amount. Bonds of City officers required under Illinois Compiled Statutes, Chapter 65, Section 5/3.1-10-30 shall be executed in the following penal sums:
(1) Mayor $3,000.00
(2) City Treasurer $50,000.00
(3) City Clerk $50,000.00

(Ord. No. 1488; 05-26-09)

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

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

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1-2-26 **LIABILITY INSURANCE.**

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

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

Notwithstanding any other provision of this Code, the City shall not indemnify or cause to defend any municipal officers, elected officials or employees if the municipal officers, elected officials or employees have liability insurance insuring the municipal officers, elected officials or employees from the alleged claim; however, the City shall indemnify the municipal officer, elected official or employee the personal deductible limits of his personal policy. *See 745 ILCS Sec. 10/2-201 et seq.*
BIDDING AND CONTRACT PROCEDURES.

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

(1) All purchases for **One Hundred Dollars ($100.00) to Nine Hundred Ninety-Nine Dollars ($999.00)** will require a purchase order and funding notation prior to making a purchase.

(2) All purchases for **One Thousand Dollars ($1,000.00) to Nine Thousand Nine Hundred Ninety-Nine Dollars ($9,999.00)** will require City Council approval and funding notation before a purchase order is issued, with exception of emergency situations.  

(B) Formal Contract Procedure for Purchasing. All purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated expense thereof shall exceed **Twenty Thousand Dollars ($20,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Aldermen then holding office.

(C) Formal Contract Procedure for Construction. All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, except as otherwise provided herein, when the estimated expense thereof will exceed **Twenty-Five Thousand Dollars ($25,000.00)**, shall be constructed either: (1) by a contract let to the lowest responsible bidder after advertising for bids, in the manner prescribed by ordinance, 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 (2/3)** of all the Aldermen then holding office; or (2) in the following manner, if authorized by a vote of **two-thirds (2/3)** of all the Aldermen then holding office, to-wit: the Director of Public Works or other proper officers to be designated by ordinance, shall superintend and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon, laborers and artisans whom the municipality shall pay by the day or hour; and all material of the value of **Twenty-Five Thousand Dollars ($25,000.00)** and upward used in the construction of the work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by ordinance.

(D) Federal Government Application. Nothing contained in this Section shall apply to any contract by the City with the federal government or any agency thereof.

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

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

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

(F) Bid Opening Procedure.

(1) Sealed. Bids shall be submitted sealed to the City and shall be identified as bids on the envelope.
Opening. Bids shall be opened in public at the time and place stated in the public notice.

Tabulation. A tabulation of all bids received shall be made by the City Council or by a City employee, in which event, a tabulation of the bids shall be furnished to the City Council at its next regular meeting.

Rejection of Bids. The City shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

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

Award of Contract.

Authority in City. The City Council shall have the authority to award contracts within the purview of this section.

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

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

Performance Bonds. The City Council shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the City.

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

Emergency Purchases. In case of an apparent emergency which requires immediate work or purchase of supplies materials or services, the City Council shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

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

1-2-28 RESERVED.

1-2-29 SALARIES REGULATION.

(A) Elected. No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.
(B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.  
(See 65 ILCS Sec. 5/3.1-50-5 and 5/3.1-50-6)  
**EDITOR’S NOTE:** The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance at least **two (2) months** prior to the general municipal election in which voting is held for those offices.

1-2-30 **CLAIMS PRESENTATION.**  
(A) **Presentation.** All claims against the City for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance, shall be submitted to the City by the Thursday prior to the Council meeting. All such claims must be in writing and items shall be specified.  
(B) **Exception.** This does not prohibit the City Council from passing on any claims not previously presented to the City Clerk if, in the opinion of the Council, justice to the claimant requires it.

1-2-31 **MUNICIPAL YEAR.** The municipal year of the City shall begin on May 1st of each year and shall end on April 30th of the following year. (See 65 ILCS Sec. 5/1-1-2)

1-2-32 **EXPENSES - REIMBURSEMENT.** Each member of the corporate authorities may receive reimbursement from the municipality for expenses incurred by the member in attending committee meetings of the corporate authorities or for other expenses incurred by the member in the course of performing official duties. (See 65 ILCS Sec. 5/3.1-50-15(B))

1-2-33 **OFFICIAL RECORDS.** All official records, including the Corporate Seal, shall be kept in the City Hall.

1-2-34 **FEDERAL OLD AGE AND SURVIVOR’S INSURANCE SYSTEM.**  
(A) **Eligible employees** shall mean all employees of the City, eligible under the Federal Act, except persons elected to office by popular election and also the City Treasurer and City Attorney.
(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid quarterly.

1-2-35 **ILLINOIS MUNICIPAL RETIREMENT FUND.**

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

(B) **Special Tax.** The City includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the City's cost of participating in the Retirement Fund and appropriate therefrom funds to pay the cost of participation.  *(Ord. No. 857; 07-22-85)*

1-2-36 - 1-2-39 **RESERVED.**
DIVISION V - MAYOR

1-2-40  **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until his successor is elected and has qualified. *(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-15-10)*

1-2-41  **MAYOR PRO-TEM; TEMPORARY CHAIRMAN.**
(A) If the Mayor is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as Mayor pro tem. The Mayor pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor but shall not be entitled to vote both as Mayor pro tem and as a trustee.
(B) In the absence of the Mayor, or Mayor pro tem, the corporate authorities may elect one of their members to act as a temporary chairman. The temporary chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as trustee on any ordinance, resolution, or motion. *(See 65 ILCS Sec. 5/3.1-35-35)*

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

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

1-2-44  **RESERVED.**
1-2-45  **MAYOR’S SIGNATURE.** The Mayor shall sign all City warrants, commissions, permits and licenses granted by authority of the City Council, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature.

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

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

1-2-46  **APPOINTMENT OF OFFICERS.**

(A) **Appointed.** At the first annual meeting in May, the Mayor shall appoint, by and with the advice and consent of the City Council, all officers of the City whose election or appointment is not otherwise provided for, and said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality. *(See 65 ILCS Secs. 5/3.1-55-5)*

(B) **Filling Vacancies.** The Mayor shall appoint, by and with the advice and consent of the City Council, all officers of the City whose appointment will not otherwise be provided for by law; and whenever a vacancy shall occur in any office, which by law or ordinance the Mayor is empowered and required to fill, the Mayor shall, at the next regular meeting of the City Council, communicate to it the name of the appointee to such office and pending the concurrence of the City Council in such appointment, the Mayor may designate some suitable person to discharge the functions of such office. *(See 50 ILCS Sec. 105/2)*

1-2-47  **SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS.** The Mayor shall supervise the conduct of all officers of the City and see that they faithfully and efficiently discharge the duties of their respective offices. Except where otherwise provided by statute, the Mayor may remove any officer appointed by the Mayor under this Code, on any written charge, whenever the Mayor is of the opinion that the interests of the municipality demand removal. The Mayor shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than five (5) days nor more than ten (10) days after the removal. If the Mayor fails or refuses to report to the
corporate authorities the reasons for the removal, or if the corporate authorities by a two-thirds (2/3) vote of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (See 65 ILCS Sec. 5/3.1-35-10)

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

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

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

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

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

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

1-2-53 HEALTH COMMISSIONER. The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the City authority as prescribed by law.
1-2-54 **DECIDING VOTE - MAYOR.** The Mayor shall preside at all meetings of the City Council. He shall not vote on any ordinance, resolution or motion, except:

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

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

1-2-55 **RESERVED.**
1-2-56 **ELECTED.** The Clerk shall be elected at the same election as the Mayor for a **four (4) year term** and shall serve until his successor is elected and has qualified. *(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-30-5)*

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

1-2-58 **PUBLICATION OF ORDINANCES; COUNCIL MINUTES; RECORDS.**

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

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

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

(D) **Issue Notices.** He shall issue and cause to be served upon all Aldermen, notices of all special meetings of the City Council; also notices to the members of the different committees of that body and all persons whose attendance may be required before any such committee, when so directed by the chairman thereof. *(See 65 ILCS Sec. 5/1-2-4, 5/1-2-5 and 5/3.1-35-90)*
1-2-59 **DELIVERY OF PAPERS TO OFFICERS.** The Clerk shall deliver to the several committees of the City Council and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefor. He shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. *(See 65 ILCS Sec. 5/3.1-35-90)*

1-2-60 **PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES.** The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this Code and shall attest the same with the corporate seal, and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City.

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

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

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

1-2-64 **OUTSTANDING BONDS.** The Clerk shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the City, showing the number and amount of each, for and to whom the bonds are issued; and when the City bonds are issued, or purchased, or paid, or canceled, the book or books shall show that fact; and in his annual report, the Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof. *(See 65 ILCS Sec. 5/3.1-35-110)*
1-2-65  **REPORTS.** The Clerk shall, on or before the first regular meeting in each month, make out and submit to the City Council a statement or report in writing of all the moneys received and warrants drawn by him during the preceding month, showing therein from or what sources and on what account moneys were received, and for what purposes and on what account the warrants were drawn or paid.

1-2-66  **SUCCESSOR.** The City Clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the City or pertaining to his office and not in actual use and possession of other City officers; and upon the expiration of his official term, he shall deliver all such books, records, papers and effects to his successor in office. Record retention and disposal must be approved by the State of Illinois Local Records Commission on an annual basis.  *(See 65 ILCS Sec. 3.1-10-35)*

1-2-67  **NOTIFICATION TO PERSONS APPOINTED TO OFFICE.** Within five (5) days after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within ten (10) days after such notice.

1-2-68  **SECRETARIAL DUTIES.** The City Clerk shall perform secretarial duties for the Mayor as well as other City Officials.

1-2-69  **DEPUTY CLERK.** Clerk may appoint a Deputy Clerk, which the City Council may authorize, who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the City thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word, "By" and the Deputy Clerk's name and the words, "Deputy Clerk".

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

1-2-70  **AGENDA.** The City Clerk shall prepare an agenda for each Council meeting. An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Council no later than the close of business on the Friday preceding the regular Council meeting. In the case of emergency matter, which could not have been reasonably foreseen in sufficient time to comply with this Section, a revised agenda will be furnished to each member of the Council prior to the opening of the Council meeting.
1-2-71  **LOCAL ELECTION OFFICIAL/DEPUTY VOTING REGISTRAR.** The City Clerk shall serve as a Local Election Official responsible for election notices being placed in local newspaper and both distributing and receiving petitions for City elections. The Clerk shall also serve as a Deputy Voting Registrar for the Macoupin County Clerk.

1-2-72  **ORDERING OF SUPPLIES.** The City Clerk shall order boat stickers, receipt books, animal tags, licenses and all other supplies needed for operation of the City Clerk’s Office.

1-2-73  **OTHER DUTIES.** In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the City Council. *(See 65 ILCS Sec. 5/3.1-10-40)*

1-2-74  **HOURS OF DUTY.** The provision of Section 1-2-83 shall apply to the City Clerk.

1-2-75  **RESERVED.**
DIVISION VII - CITY COLLECTOR

1-2-76 CREATION OF OFFICE, PROCEDURE FOR APPOINTMENT, TERM. The Mayor shall appoint a City Collector with the advice and consent of the City Council. The City Collector shall be appointed for an indefinite term, and may be terminated at any time by the Mayor with the approval of a two-thirds (2/3) vote of the Council then holding office.

1-2-77 BOND. Before entering upon the duties of the City Collector, the City Collector shall sign a Bond with corporate surety conditioned upon the faithful performance of the duties of Office of City Collector in a sum to be set from time to time by the majority vote of the Council. Such Bond shall be paid for by the City.

1-2-78 SALARY. The salary of the City Collector shall be set initially by the affirmative vote of a majority of the Council of the City of Staunton then holding office, and shall thereafter be set in the Annual Budget Ordinance.

1-2-79 DUTIES. The City Collector shall perform the duties and responsibilities as from time to time assigned by the direction of the Mayor upon an affirmative vote of a majority of the Council of the City of Staunton then holding office, together with statutory requirements as may from time to time be set forth in the Illinois Compiled Statutes, and such other duties as may otherwise be set forth in the City of Staunton Municipal Code, and unless otherwise noted, the City Collector shall perform the following duties and have the following responsibilities, to-wit:

(A) Oversee preparation, mailing and collection of all City Utilities, including maintaining records of all users and user fees.
(B) Prepare semi-monthly payroll for all City Employees.
(C) Prepare and file monthly Federal and State Income Taxes, and reports required by Illinois Municipal Retirement Fund.
(D) Prepare and file Federal and State Employer’s Quarterly Returns/Reports including but not limited to such Returns/Reports pertaining to Social Security, Medicare, Unemployment Compensation and Employee withholdings.
(E) Prepare annual W-2’s and other State and Federal Annual Tax Reports.
(F) Maintain record of all monies received daily at the City Clerk’s Office, balance cash drawer and deposit funds in appropriate bank account and perform data entry of deposits to the City computer system.
(G) Prepare monthly financial reports and accounts payable listings as well as compute, prepare, sign, and post to computer system all checks.
(H) Compute Library’s share of Personal Property Replacement Tax and
distribute same upon receipt.
(I) Serve as IMRF Authorized Agent for the City.
(J) Charge all salaries and insurance deductions to the appropriate
departments for payroll records.
(K) Compute monthly interest for the Mutual checking account and
post interest to the various funds annually.
(L) Work cooperatively with the City Treasurer and Finance Committee
to ensure the prudent investment of City funds.
(M) Balance monthly all City bank accounts and prepare Monthly Report
for the Council’s approval each month.
(N) Maintain the general ledger showing all accounts payable and
receivable, monthly status reports, and bank reconciliation.
(O) Prepare the annual budget worksheet and final ordinance for the
annual Budget & Appropriation Ordinance and file with the appropriate County and
State Agencies.
(P) Assist in the preparation of the Annual Tax Levy Ordinance and file
with the appropriate County Agencies.
(Q) Prepare, publish, and file the Annual Treasurer’s Report.
(R) Annually pay the required principal and interest on the outstanding
Bonds and/or other indebtedness of the City.
(S) Prepare all reports for and serve as the City’s liaison for the City’s
Annual Financial Audit.
(T) Maintain Motor Fuel Tax records as required by the State of Illinois
and prepare for annual audit of MFT funds.
(U) Keep a monthly listing of receipts from State of Illinois for sales tax,
income tax, and real estate taxes.
(V) Serve as liaison for City in dealing with Workmen’s Compensation and
Property and Casualty Insurance, forwarding bills to be paid and paying premiums due.
(W) Serve as the City’s contact person for health, dental, and life
insurance companies representing the City’s Employees, assisting employees in dealing
with insurance problems.
(X) Be responsible for enhancements in any program on the computer
system or the development of new systems or programs as necessary for Accounting,
Payroll and Utility Billing purposes.
(Y) Maintain personnel files for all employees of the City. Each file to
contain information regarding name, address, phone number, social security number,
drivers license number, date of birth, name of emergency contact person, and date of
employees termination.
(Z) Serve as Subregistrar of Vital Records for Registration District 59 OH,
Department of Public Health, County of Macoupin, State of Illinois.
(AA) Accept registrations for Fireman’s and Jr. Service Park Pavilions, City
Baseball Diamonds and Library Basement.
(BB) Act as Public Relations Person for the City in dealing with both phone
and walk-in customers at the City Hall.
1-2-80 **ABOLISHMENT OF OFFICE.** The Office of the City Collector may be abolished at the end of any fiscal year and the duties thereof shall be devolved on such other office as the Council shall provide by a **two-thirds (2/3) vote** of the Council then holding office. After such discontinuance, no person filling the Office of City Collector shall have any claim against the City for salary alleged to accrue after the date of discontinuance.

1-2-81 **MISCELLANEOUS PROVISIONS.** Provisions applicable to the City Collector with respect to vacation, sickness, retirement, health insurance, death and disability provisions, and eligibility for other benefits shall be equal to benefits of the Water & Sewer Department Employees. Unless otherwise directed from time to time by the Mayor upon the affirmative vote of a majority of the Council then holding office, the City Collector shall report to the Mayor and Council.

1-2-82 **HOLDING OF DUAL OFFICES.** It is hereby provided that the Clerk of the City of Staunton shall be allowed to hold the Office of City Collector. The City Clerk and the City Collector, being the same person, shall receive the compensation provided for each such office, but duplication of benefits shall not occur.

1-2-83 **ESTABLISHED WORK SCHEDULE.** The established working hours for the City Clerk and Collector's Office, as well as any clerical employees situated at the Public Works Building shall be as follows:

   Monday - Friday  8:00 A.M. - 4:30 P.M.

These hours shall be the established hours of the City Clerk and City Collector's Office as well as for clerical employees situated at the Public Works Building. Employees shall receive **one-half (1/2) hour** for Lunch, which shall be staggered with other office Employees.  *(Ord. No. 1439; 10-08-07)*

1-2-84 **RESERVED.**
DIVISION VIII - CITY TREASURER

1-2-85  **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the City which shall be known as the “Finance Department”. It shall embrace the Finance Committee and the Treasurer.

1-2-86  **FINANCE COMMITTEE.** The standing committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

1-2-87  **TREASURER ELECTED; VACANCY.** The Treasurer shall be elected at the same election as the Mayor for a four (4) year term and shall serve until his successor is elected and has qualified. If a vacancy occurs in the office, it shall be filled by the Mayor, with the advice and consent of the City Council. The person so appointed shall hold office for the unexpired term of the officer elected. (See 65 ILCS Sec. 5/3.1-30-5)

1-2-88  **MONEY; WARRANTS; ACCOUNTS; PAYMENTS.** The City Treasurer shall receive all moneys belonging to this City and shall pay all warrants signed by the Mayor and countersigned by the City Clerk and not otherwise; and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment, and upon what account paid, and he shall file copies of such receipts with the Clerk with his monthly reports. (See 65 ILCS Sec. 5/3.1-35-40)

1-2-89  **WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid by him showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid; and he shall cancel all warrants as soon as redeemed by him. (See 65 ILCS Sec. 5/3.1-35-40 and 5/3.1-35-45)

1-2-90  **PERSONAL USE OF FUNDS.** The Municipal Treasurer shall keep all money belonging to the Municipality and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Municipality's moneys or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. (See 65 ILCS Sec. 5/3.1-35-55)
1-2-91  **BOND.** The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than one and one-half times the largest amount which the Council estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the City, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. *(See 65 ILCS Sec. 5/3.1-10-45)*

1-2-92  **SPECIAL ASSESSMENTS.** The Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto. *(See 65 ILCS Sec. 5/3.1-35-85)*

1-2-93  **BOOKKEEPING.** The Treasurer shall keep his books and accounts in such a manner as to show with accuracy, all moneys received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor or the Finance Committee of the Council. *(See 65 ILCS Sec. 5/3.1-35-40)*

1-2-94  **STATEMENTS.** The Treasurer shall report to the corporate authorities at the regular monthly meeting, a full and detailed account of all receipts and expenditures of the municipality as shown by his books up to the time of the report. *(See 65 ILCS Sec. 5/3.1-35-45)*

1-2-95  **REPORT DELINQUENT OFFICERS.** It shall be the duty of the Treasurer to report to the City Clerk any officer of the City authorized to receive money for the use of the City who may fail to make a return of the moneys received by the Treasurer at the time required by law or by ordinances of the City.

1-2-96  **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the City Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this section. The Treasurer shall show the following in such account:
(A) All monies received by the City, indicating the total amounts in the aggregate received in each account of the City, with a general statement concerning the source of such receipts; provided, however, for the purposes of this paragraph, the term “account” shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the City are credited to the general account; and

(B) Except as provided in paragraph (C) of this section all monies paid out by the City where the total amount paid during the fiscal year exceeds One Thousand Dollars ($1,000.00), giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

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

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

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

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

1-2-97 SUBMIT APPROPRIATION TO CITY COUNCIL. The City Collector shall on or before the fifteenth (15th) day of May in each year, and before the annual appropriations to be made by the City Council, submit to the City Council a report of his estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, he is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

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

(A) Designation by Council. The Treasurer is hereby required to keep all funds and moneys in his custody belonging to the City in such places of deposit as have been designated by Section 1-2-98(F). When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys of the City in the custody of the Treasurer. When a bank or savings and loan association has been designated as a depository, it shall continue as such depository until ten (10) days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the Municipal Treasurer of that fact in writing at least five (5) days before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money that the Treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

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

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

(D) Each Municipal Treasurer may:

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

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

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

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

1. 1st National Bank of Staunton, Illinois.
2. First Community State Bank, Staunton, Illinois.
4. Illinois State Treasurer’s Investment Pool.

(Ord. No. 1332; 04-24-06)

1-2-99 - 1-2-100 RESERVED.
DIVISION IX - JUDICIARY

1-2-101  **APPOINTMENT OF ATTORNEY.** The Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council for the term of **one (1) year,** unless sooner removed for cause, and until his successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the City and shall be known as the City Attorney and shall receive as compensation for attendance of meetings, provision of office services, rendering of advice and representation in litigation, as compensation for same, such reasonable sums and hourly rates as the City Council shall approve by resolution. The Attorney shall in addition receive such reasonable fees for other services rendered when, in his judgment, or in the judgment of the Mayor or City Council, the same are necessary or are for the best interests of the City. *(See 65 ILCS Sec. 5/3.1-30-5) (Ord. No. 1241; 05-24-04)*

1-2-102  **DUTIES.**

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

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

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

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

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

(F) **Collection of Taxes.** He is hereby authorized and instructed to enforce the collection of any and all taxes and special assessments in the collection of which the City is interested and to attend all sales of real or personal property made to enforce the collection of such taxes or special assessments and to bid therefor on behalf of the City.
(G) **Commissions.** The City Attorney shall act as the legal advisory for the Utilities Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the City Council. He shall perform all legal services as may be required for those boards and commissions.

1-2-103 **RESERVED.**

***DIVISION X - CITY ENGINEER***

1-2-104 **APPOINTMENT.** With the advice and consent of the City Council, the Mayor may appoint an engineer for the City, who shall serve for the term of the Mayor or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and City Council.

1-2-105 **DUTIES - SALARY.** The City Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the City Council as per the contract. He shall also examine all public works under his charge and see that the plans, estimates and specifications for the same are properly executed and such other duties as may be requested. He shall also receive a salary as established in the annual budget.

1-2-106 **RESERVED.**
DIVISION XI - DIRECTOR OF PUBLIC WORKS

1-2-107 OFFICE CREATED. There is hereby created the office of Director of Public Works, an executive office of the City. The Director of Public Works shall be appointed by the Mayor with the advice and consent of the City Council. The Director of Public Works may also be referred to as “Director” or “Superintendent”. The Director shall be responsible for the Water and Sewer Department, Street Department and for engineering. (See 65 ILCS Sec. 5/3.1-30-5)

1-2-108 QUALIFICATIONS. The Public Works Director shall be a graduate engineer preferably a civil engineer and registered as a P.E. with the State. The candidate must have or be willing to secure within one (1) year from date of employment a class “A” water operator’s license and a sewer license to operate the sewer plant.

1-2-109 DUTIES. The Public Works Director shall perform the following duties:
   (A) Supervise and schedule work for the Water, Sewer, Street and Alley Departments and engineering tasks.
   (B) Prepare budgets for such Departments.
   (C) Requisition of all materials for such Departments prior to submission of same to committee chairman and Mayor.
   (D) Inspect the installation of sewer and water lines, construction of streets and sidewalks, and all inspections required under any other ordinance presently in effect or subsequently adopted.
   (E) Do any engineering projects that Council requests and such other duties as Council may from time to time prescribe.

1-2-110 CHAIN OF COMMAND. The Public Works Director shall be responsible to the Utility and Street Committees and shall follow policies established by the City Council. He shall report directly to the Mayor any final decisions when necessary.

1-2-111 SALARY. The salary of the Public Works Director shall be as established in the Annual Appropriation Ordinance by the City Council. (Ord. No. 9-23-85)

1-2-112 RESERVED.
DIVISION XII – OFFICE OF CITY ADMINISTRATOR

1-2-113  CREATION OF OFFICE. There is hereby created the office of City Administrator, an administrative office of the City.

1-2-114  APPOINTMENT OF CITY ADMINISTRATOR. The City Administrator shall be selected from qualified applicants by the City Administrator Committee and best qualified appointed by the Mayor by and with the advice and consent of the City Council. The City Administrator shall be chosen on the basis of the individual’s executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of his office hereinafter set forth and specific professional education for, actual experience in, and knowledge of accepted practice in respect to the administration of local government. Such requirements and qualifications are hereby declared to be of a nature as to require technical training or knowledge.

1-2-115  RESIDENCY REQUIREMENT. The Administrator shall become a resident of the City within one (1) year following the date of appointment, unless this requirement is specifically waived or varied by City Council ordinance or by contract authorized by the City Council, and entered into with the Administrator, covering the terms and conditions of residency.

1-2-116  TENURE OF OFFICE. The term of the office of the City Administrator shall be an open-ended appointment. The City Administrator may resign from office or may be removed therefrom only in such manner as is provided by the Statutes of the State of Illinois pertaining to the resignation or the removal of the appointed officers.

Appointment may be terminated by the Administrator upon thirty (30) days’ written notice to the Mayor and City Council prior to such termination. This Section shall not preclude the City Council from establishing other employment terms and conditions not inconsistent with the provisions of this Division or the Municipal Code of the City.

1-2-117  BOND AND OATH. Before entering upon the duties of his office, the City Administrator shall furnish a surety bond in the amount of Five Thousand Dollars ($5,000.00) to be approved by the City Council, said bond to be conditioned on the faithful performance of the Administrator’s duties. The premium of the bond shall be paid by the City.

Before entering upon the duties of his office, the City Administrator shall take and subscribe the oath prescribed by the Statutes of the State of Illinois in such case provided.
1-2-118  **COMPENSATION.** The City Administrator shall receive compensation in such amount and manner as the Council shall fix from time to time by resolution.

1-2-119  **AUTHORITY AND DUTIES OF THE CITY ADMINISTRATOR.** The City Administrator, subject to the limitations defined in Resolutions and Ordinance of the City of Staunton and the Illinois State Statutes, shall be the chief administrative officer of the City, shall report directly to the Mayor, shall be responsible to the mayor and the City Council for the proper administration of the business affairs of the City, pursuant to the statutes of the State of Illinois, the ordinances of the City of Staunton, and the Resolutions, Motions, and Directives of the corporate authorities with powers and duties as follows:

(A) **General Duties.**

1. Execute the Directives of the Mayor and City Council which require administrative implementation, reporting promptly to the Mayor any difficulties encountered herein.

2. Be responsible for the administration of all day-to-day operations of the City government including the monitoring of all City Ordinances, Resolutions, and State Statutes.

3. Establish when necessary administrative procedures to increase the effectiveness and efficiency of City government according to current practices in local government, not inconsistent with Directives of the Mayor and City Council.

4. Serve as ex-officio non-voting member of all Boards, Commissions, and Committees of the City, except as specified by the City Council or Illinois State Statutes and shall attend such meetings as may be directed by the Mayor.

5. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations thereon to the Mayor and the City Council.

6. Keep informed concerning the availability of federal, state, and county funds for local programs. Prepare necessary requests with assistance of department heads and the City Council in obtaining these funds under the direction of the Mayor and City Council.

7. Represent the City in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the Mayor and City Council.

8. Establish and maintain procedures to facilitate communications between citizens and the City government to assure that complaints, grievances, recommendations, and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved.

9. Promote the economic well-being of the City through public and private cooperation.
(10) Perform such other duties as may be specified by law, City ordinance or as may from time to time be directed by the Mayor.

(B) Responsibilities to the City Council.

(1) Attend all meetings of the City Council and be present for all discussions, unless excused by the Mayor or a majority vote of the City Council, but in no case shall the Administrator have the right to vote. Assist the Mayor and the City Council as required in the performance of their duties.

(2) In cooperation with the Mayor, the City Council, and the City Clerk, insure that appropriate agendas are prepared for all meetings of the City Council, all City Council Committees, and all other appropriate Committees and Commissions of the City together with such supporting materials as may be required; with nothing herein being construed as to give the City Administrator authority to limit or in any way prevent matters from being considered by the City Council or any of its Committees and Commissions.

(3) Assist in the preparation of Ordinances and Resolutions as requested by the Mayor or the City Council.

(4) Keep the Mayor and the City Council regularly informed about the activities of the City Administrator’s Office by oral or written report at regular and special meetings of the City Council.

(5) In the event that action requiring City Council approval is necessary at a time when the City Council cannot meet, the City Administrator shall receive directives from the Mayor.

(C) Personnel.

(1) Be responsible for the administrative direction and coordination of all City departments, department heads, and their employees in the City according to the established policies and procedures.

(2) Recommend to the Mayor or particular committee chairman the appointment, promotion, and when necessary, for the good of the City, the suspension or termination of department heads.

(3) Be responsible for all collective bargaining processes of the City, and recommend to the Mayor and City Council collective bargaining agreements for consideration and possible final approval by the Council. The City Administrator shall be responsible for administering all employee organization contracts reached through the collective bargaining process, except as provided herein.

(4) Propose to the Mayor and City Council for their consideration such personnel rules and regulations as the Administrator deems necessary to manage the personnel policies of the City.
(D) **Budgeting.**

(1) Responsible for preparation of the annual budget and City budget proceedings, in accordance with guidelines as may be provided by the Finance Committee and/or the City Council and in coordination with department heads, and pursuant to State Statutes, for review and approval by the Mayor and City Council.

(2) Administer the budget as adopted by the City Council and advise the Mayor and City Council regularly as to the present financial condition and future financial requirements of the City.

(3) Report regularly to the City Council on the current fiscal position of the City.

(4) Understand and be familiar with the accounting system of the City to insure that the system employs methods in accordance with current professional accounting practices; and recommend any change to Mayor and City Council.

1-2-120 **CITY COUNCIL.** The term “City Council” whenever used herein refers to the entire City Council, sitting as one body, and not to the individual members thereof. No individual member of the City Council shall have any direct authority over the City Administrator.

1-2-121 **RESERVED.**

(Ord. No. 1162; 02-14-00)
DIVISION XIII - ZONING HEARING OFFICER

1-2-122 POSITION ESTABLISHED. The position of Zoning Hearing Officer is hereby established. The Zoning Hearing Officer shall be appointed by the Mayor with the advice and consent of the City Council from individuals who have, at a minimum, a law degree from a nationally accredited law school and admittance to practice law in the State of Illinois.

1-2-123 DUTIES. The Zoning Hearing Officer shall preside over and shall have the following duties and primary jurisdiction over all the following matters, unless otherwise specifically directed in writing by the Mayor.

(A) Conducting all public hearings required to be held under 65 ILCS 5/11-13, including specifically in connection with applications for any special use, variation, amendment or other change or modification in any ordinance of the municipality adopted pursuant to Division 13 of 65 ILCS 5/11;

(B) Hearing and deciding all appeals from any review of any order, requirement, decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to Division 13 of 65 ILCS 5/11;

(C) Creating all administrative and procedural rules and procedures necessary to ensure the orderly and efficient operation of the City’s public hearings, including but not limited to: establishing the time, manner, and frequency for conducting the above referenced public hearings; generating or directing to City Hall the generation of the docket and all materials necessary to conduct the above referenced public hearings; referring matters back to the Zoning Administrator for further review; and all other matters and powers necessary and incidental to the position of Zoning Hearing Officer.

1-2-124 PAY AND TERM. The Zoning Hearing Officer shall be paid for his services the sum of Three Hundred Fifty Dollars ($350.00) per zoning docket, and shall be appointed for a maximum term of four (4) years.

(Ord. No. 1585; 07-11-11)
(See Chapter 40 - Zoning Code)

ARTICLE XIV – BUILDING INSPECTOR

1-2-125 ESTABLISHED. The position of City Building Inspector is hereby established. The City Building Inspector shall be appointed by the Mayor with the advice and consent of the City Council from individuals who have received a license or certification from the State of Illinois to perform home inspections.

1-2-126 DUTIES. The City Building Inspector shall perform such tasks and inspections as may be assigned to him by the Mayor, including but not limited to, home inspections for purposes of occupancy permits for residential or rental units, as well as inspections of properties for the purpose of preparing reports related to same for use by the City in connection with demolition or condemnation proceedings, as well as any other duties as specifically directed in writing by the Mayor.

1-2-127 PAY AND TERM. The City Building Inspector shall be paid for his services the sum of Fifty Dollars ($50.00) per inspection with report related to same, and shall be appointed annually by the Mayor.

(Ord. No. 1938; 05-14-18)
ARTICLE III - SALARIES

1-3-1 SALARIES OF CITY OFFICIALS. Effective May 1, 2001, the following salaries are hereby established for all newly elected City Officials:

(A) **Mayor.** The Mayor shall receive a salary of Three Thousand Dollars ($3,000.00) per year plus Fifty Dollars ($50.00) per special meeting attended by him.

(B) **Aldermen.** Each aldermen shall receive a salary of Seventy Dollars ($70.00) per regular meeting and Forty Dollars ($40.00) per special meeting of the City Council actually attended by him.

(C) **Clerk.** The Clerk shall receive a salary of Seventy Dollars ($70.00) per regular meeting and Forty Dollars ($40.00) per special meeting of the City Council actually attended by the Clerk. **(Ord. No. 1456; 09-22-08)**

(D) **Treasurer.** The Treasurer shall receive an annual salary of One Thousand Dollars ($1,000.00). **(Ord. No. 1333; 04-24-06)**

(E) **Deputy Clerk.** The Deputy Clerk, if one is appointed, shall function in an unpaid capacity. **(Ord. No. 1173; 10-23-00)**

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

[ED. NOTE: The salaries of elected officials who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least one hundred eighty (180) days before the beginning of the terms of the officers whose compensation is to be filed.

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

1-4-1 PROCEDURE FOR DISPOSITION OF SURPLUS PERSONAL PROPERTY.

(A) The City, in the process of the operation of its government, accumulates certain items of personal property which are excess in that they are obsolete, beyond their life of reasonable uses, or otherwise are no longer functional to this City.

(B) The Illinois Compiled Statutes, and the Illinois Constitution of 1970, empower City Governments to dispose of excess property in a means that shall be determined by the administration, with or without advertising of the sale.

(C) By virtue of the powers cited in subsection (B) of this Section, the City Council authorizes the office manager, the Public Works Director, and the Chief of Police, to dispose of surplus property in a manner which their best judgment determines to be the most profitable to the City, and does specifically authorize these individuals or their delegates to contact those individuals or corporations who most likely may have an interest in purchasing any of such items.

(D) In order to dispose of surplus property, the office manager, Public Works Director, or Chief of Police shall submit to the City Council a request for authorization to dispose of such surplusage in compliance with the procedures set forth in this Section, together with a schedule of the surplus property, and by resolution of authorization, the Council may direct the office manager, Public Works Director, or Chief of Police to commence disposal of such surplusage pursuant to such procedures.

(E) A schedule of surplus property of the City shall be designated by letter, shall be attached to the proposed resolution and by reference incorporated therein, and shall constitute the department head’s or office manager’s description and accounting of such surplus property.

(F) By virtue of posting the resolution of authorization and its exhibit in a public place at City Hall, the intended sale of surplus property is also further noticed to the general public and anyone who may have interest in purchasing the items of surplus property.

(G) No sale of surplus property shall be effected by the City Council until the public notice required under this Section shall have been posted for ten (10) days, and thereafter the office manager, Public Works Director, or Chief of Police is authorized to proceed to deliver a bill of sale for any or all of such items as stated in this Section.

(H) if the City is unable to sell its surplus property after solicitation to the public as referred to in subsections (F) and (G) of this Section, the City may give the surplus property to any not-for-profit corporation, organization, or entity, as determined by Section 501(c) of the Internal Revenue Code, having its principal place of business, or doing a substantial amount of business, in the City, at no charge to the recipient, or to junk the property at the least possible cost to the City.

(I) A final report of disposition of all surplus property disposed of pursuant to this Section shall be made by the office manager to the City Council by written communication in a timely manner. The communication need not be read at a public meeting, but shall be available for public inspection upon request to the City Clerk, who shall keep on file such report of disposition.

(Ord. No. 1482; 04-27-09)
ARTICLE V - ELECTRONIC ATTENDANCE AT MEETINGS

1-5-1 RULES. The City hereby adopts the Electronic Attendance at Meetings Rules, attached hereto, that permits a member of the public body to attend any meeting of a public body as defined in the Open Meetings Act via electronic means.

(Ord. No. 1598; 10-10-11)
CITY OF STAUNTON, ILLINOIS
ELECTRONIC ATTENDANCE AT MEETINGS RULES

Section 1. **Rules Statement.** It is the decision of the City that any member of the City Council may attend any open or closed meeting of the City Council via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws.

Section 2. **Prerequisites.** A member of the City Council may attend a meeting electronically if the member meets the following conditions:
(A) The member should notify the City Clerk at least four (4) hours before the meeting and complete the associated request form, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance.
(B) The member must assert one of the following three reasons why he or she is unable to physically attend the meeting,
   (1) The member cannot attend because of personal illness or disability; or
   (2) The member cannot attend because of employment purposes or the business of the City or
   (3) The member cannot attend because of a family or other emergency.

Section 3. **Authorization to Participate.**
(A) The City Clerk after receiving the electronic attendance request, shall inform the Corporate Authority of the request for electronic attendance.
(B) After establishing that there is a quorum physically present at a meeting where a member of the City Council desires to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the City Council in accordance with these Rules, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member’s electronic attendance is made, seconded, and approved by two-thirds of the members of the City Council physically present at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the City Council physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved by the City Council and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member’s electronic attendance may not be reconsidered.

Section 4. **Adequate Equipment Required.** The member participating electronically and other members of the City Council must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the City
Council shall provide equipment adequate to accomplish this objective at the meeting site.

**Section 5. Minutes.** Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

**Section 6. Rights of Remote Member.** A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the City Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

**Section 7. Committees, Board and Commissions.** These rules shall apply to all committees, boards and commissions established by authority of the City Council.

These rules are effective this 10th day of October, 2011.

__________________________________________  
Mayor Craig Neuhaus

ATTEST:

__________________________________________  
Clerk Dennis Steigemeier
ELECTRONIC ATTENDANCE REQUEST

I hereby request to electronically attend the meeting of the City of Staunton on ____________ _____________ , 20__, at ________ p.m.

I am eligible to participate electronically because of [check one]:

___________ (1) personal illness or disability

___________ (2) employment purposes or business of the public body

___________ (3) a family or other emergency

During the meeting, I will be at the following location:

________________________________________________________________________

and reachable at the following phone number: ________________________________

________________________________________________________________________

Signature of Member ___________________________ Date ________________

OR

Request received by ______ phone _________ e-mail ______ fax _______ other

City Clerk ___________________________ Date ________________
CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

3-1-1  INJURY TO PROPERTY.

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

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

3-1-2  MANNER OF KEEPING.

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

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

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

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

(B)  Petitions of Complaint. Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the City, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.
3-1-4 **CRUELTY TO ANIMALS PROHIBITED.**
(A) **Cruelty to Animals Prohibited.** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. All unwanted animals should be delivered to the County Animal Control Facility for proper disposal by the veterinarian at the owner’s expense.
(B) **Food and Shelter.** It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. The terms used in this section shall comply with Section 3-1-1. *(See 65 ILCS Sec. 5/11-5-6)*

3-1-5 **EXHIBITING WILD OR VICIOUS ANIMALS.**
(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this Chapter for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
(B) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.
(C) It shall be unlawful for any person to harbor or keep a vicious animal within the City. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.
(D) The licensing authority may issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless.

3-1-6 **HEALTH HAZARD.** The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.
LIMITATION ON NUMBER OF DOGS AND CATS KEPT.

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

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

(B) **Limitation; Exception.**

(1) It shall be unlawful for any person or persons to keep more than **three (3) dogs** and/or **three (3) cats** within the City, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.

(2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

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

ANIMALS, ETC. IN CITY.

(A) **Certain Prohibitions.** It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry (with the exception of chickens, ducks, quail, pheasant, pigeons and rabbits as herein provided), skunks, or poisonous reptiles within the limits of the City.

(1) It shall be unlawful to keep roosters within City limits.

(2) Allowable animals shall be deemed Hobby Animals.

(3) The number of allowable fowl shall be no less than **two (2)**, and no more than **six (6)**.

(4) The number of rabbits shall not exceed **ten (10)**.

(5) Any structures housing hobby animals shall be termed an “accessory structure”.

(6) Applicants shall register with City Hall obtaining annual permit and have proof of registration on-site. Registration fee of **Twenty-Five Dollars ($25.00)** per year.

(7) Care for Hobby Animals shall follow the provisions set forth in this Chapter.

(a) Hobby Animals shall be kept in such a way so as not to cause a nuisance.

(b) Hobby Animal runs, yards and coops shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be cleaned of droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the yard, coop and pen do not become nuisances.
(i) Coops, pens and yards shall be large enough to provide at least **four (4) square feet** per animal.

(ii) The coop must be built to provide ventilation, shade, protection from precipitation, protection from cold weather and to be secure from predators, wild birds and rodents.

(iii) Openings in windows and doors must be covered by wire mesh or screens to deter predators.

(iv) Access doors must be sized and placed for ease of cleaning.

(v) The enclosed run must be attached to the coop or must surround the coop. The sides of the run must be made of fencing or wire mesh that discourages predators.

(vi) The run must be enclosed on all sides, including the top or roof plane.

(vii) Odors from pens, manure or related substances shall not be detectable from property lines. Manure must be stored and disposed of. Manure may be composted. All manure not composted must be removed from property regularly.

(c) Licenses for coops must be obtained and shall meet the rules of this Chapter where applicable.

(i) Prior to a license being granted to an applicant, the applicant must show proof of notice to all adjacent landowners except landowners that are municipalities or utilities.

(ii) Coops over **one hundred twenty (120) square feet** will require a building permit.

(iii) A license shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a pen, yard and coop that comply with this Section have been erected.

(iv) The chicken coop and run shall be located in the rear of the residential structure. The pen, coop and run are allowed in the rear yard, but not the side or front yards.

(v) The coop and run shall be located at least **five (5) feet** from the property line and at least **twenty-five (25) feet** from any dwelling.

(vi) Coop licenses shall not run with the land.

(vii) Licenses will only be granted to persons who reside on parcels with single-family dwellings. An applicant who lives in an apartment, multi-family units or condominium building is not eligible to receive a Hobby Animal license.

(viii) The City may deny a license to any person who:
a. Owes money to the City; or  
b. has, in the last five (5) years prior to application for a license under this Section been convicted or plead guilty to any code violation of animals, nuisance, noise, property maintenance or zoning.

(ix) If the licensee is found to be in violation of this Section or of Cruelty to Animals, the license will be immediately and permanently revoked.

(x) Applications shall be submitted to the City Clerk's office.

(xi) No person shall slaughter any Hobby Animal within City limits in view of the public.

(xii) No Hobby Animal shall be permitted to run at large. All animals shall be kept in a designated coop or run. Hobby Animals may be allowed to exercise in a rear yard with a six (6) foot or higher fence with supervision.

(xiii) No lawfully owned cat or dog shall be deemed dangerous, vicious or otherwise punished for attacking or killing any Hobby Animal allowed to run astray whether by accident or design.

(xiv) Any resident currently owning a designated Hobby Animal shall have ninety (90) days from enactment of this Section to comply with all the provisions set forth.

(xv) If the licensee is found to be in violation of these standards three (3) or more times, the license will be immediately and permanently revoked.

(xvi) Pens, coops and runs not maintained according to this Section shall be deemed a public nuisance and the license will be immediately and permanently revoked.

(xvii) Any person found to be in violation of this Section shall be fined not less than One Hundred Dollars ($100.00), nor more than Seven Hundred Fifty Dollars ($750.00) for each offense. Each day an owner is not compliant with this Section shall constitute a separate offense.

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

(Ord. No. 1759; 12-10-14)

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

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

3-2-2 DOGS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.
(A) Each calendar year or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog four (4) months or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.
(B) Every owner or keeper of a dog, four (4) months of age or older, shall cause the dog to wear a collar or harness and shall affix thereto a metallic city tag. The tags shall cost Ten Dollars ($10.00) for unspayed or unneutered dogs and Five Dollars ($5.00) for spayed and neutered dogs. All tag records shall be retained by the City for enforcement purposes. (Ord. No. 1192; 12-10-01)

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

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

3-2-5 SPECIFICATIONS FOR TAG. The tag issued under the provisions of Section 3-2-3 shall be in such form as shall be determined by the Department of Agriculture and the City of Staunton.
3-2-6 **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or City employee, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of Section 3-2-3, showing the inoculation against rabies of any dog owned or controlled by him.

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

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

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

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

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

(D) Any impounded dog which is not redeemed shall be humanely destroyed or otherwise disposed of by the poundkeeper. From the time of notification, if the owner is known it shall be **seven (7) days** and if not then **three (3) days**.

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

3-2-9 **NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT.** In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter. The period of impounding shall not exceed **seven (7) days**.
3-2-10 **OBSTRUCTING POUNDMASTER.** Any person(s) who shall bring any dog into the City for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the City, upon conviction of any part of this Chapter shall be fined according to Chapter 1-Administration of this Code.

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

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

Any dog impounded for biting a person, and has bitten people **three (3) times** or more shall be humanely destroyed by the county animal warden or a registered veterinarian at the owner's expense.

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

3-2-13 **REDEMPTION OF IMPOUNDED ANIMALS.** The owner of any animal impounded under this Chapter may redeem the same within **seventy-two (72) hours** by paying all the costs and charges assessed, if any, that have accrued up to the time of making
redemption and on paying the same; it shall be the duty of the authorities to release
the animal from the pound to the owner, or certify the release thereof to any County
authority having possession of the animal.

3-2-14        CITY POUND DESIGNATED. The City Council shall designate a
City Pound.

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

3-2-16        DANGEROUS DOG - FEMALE DOG AT LARGE. It shall be
unlawful for the owner or keeper of any fierce or dangerous dog or of any female dog,
while in heat, to run at large within the limits of this City.

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

3-2-18        PENALTIES FOR RUNNING AT LARGE OR BITING. Any
animal picked up in the City, licensed or unlicensed, shall be subject to a fine of not less
than Twenty-Five Dollars ($25.00) nor more than One Hundred Dollars
($100.00) based on charged if any occur.

(See 65 ILCS Secs. 5/11-1-1 and 5/11-20-9)
ARTICLE III - VICIOUS AND DANGEROUS DOGS

3-3-1 DEFINITIONS. For purposes of this Article:

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

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

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

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

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

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

(E) "Found to Be Vicious Dog" means:
   (1) that the Administrator, an Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of Subsection (A) and, based on that finding, the
Administrator, an Animal Control Warden, or the Director has declared in writing that the dog is a vicious dog or
(2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

3-3-2 **UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:
(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or
(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

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

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

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

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

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.
3-3-5 INJUNCTION. The Administrator, the City Attorney, or any citizen of the City in which a dangerous dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched.  (See 510 ILCS Sec. 5/17)

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

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

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

(See also 510 ILCS Sec. 5/24)
ARTICLE IV

CAT CODE

3-4-1 VACCINATION AGAINST RABIES REQUIRED; VACCINATION TAG. Any person within the City owning a cat four (4) months of age or older shall have such cat vaccinated once each year against rabies. Each unvaccinated cat acquired or moved into the municipality must be vaccinated within thirty (30) days after purchase or arrival provided that no cat under four (4) months of age shall be required to be vaccinated until it reaches the age of six (6) months. It shall be the duty of every veterinarian, at the time of vaccinating any cat, to provide a copy of the rabies vaccination certificate to the warden and to provide a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat.

3-4-2 LICENSE REQUIRED. It shall be unlawful for any person within the City to own a cat over four (4) months of age without procuring a license for such cat as provided in this Code.

3-4-3 LICENSE TAG. It shall be unlawful for the owner of any cat to permit or allow such cat to wear any license tag issued for another cat or for another year.

3-4-4 INFORMATION REQUIRED; RECEIPT; TAG. Application for such license shall be made to the director, and the following information, including presentation of a valid rabies certificate showing that the cat has been immunized for rabies shall be furnished:
(A) Name and address of the owner or harborer of such cat;
(B) Such description of the cat as may be required for the purpose of identification; and
(C) The license number of the tag issued.
The City shall furnish to the owner, upon payment of the license fees as hereinafter required, a license receipt showing thereon such information and metallic tag bearing the tag number.

3-4-5 CATS RUNNING AT LARGE WHILE IN HEAT. It is hereby declared unlawful for any owner, keeper, or harborer of any female cat to permit such cat to run at large while in heat, whether or not a valid registration tag is attached.
3-4-6 WEARING OF COLLARS; REMOVAL OF LICENSE TAG. Each licensed cat must wear a collar bearing the license tag and rabies vaccination tag. This is the owner's responsibility. It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, or metallic license tag or rabies vaccination tag from any licensed cat.

3-4-7 PUBLIC NUISANCE. Any cat running at large in violation of the provisions of this Code is declared to be a public nuisance, and shall be impounded by the director as in this ordinance provided, or if the residence of the owner of such cat is determined by the capturing animal control officer before such cat is delivered to the animal shelter.

The warden shall not release any such cat from being impounded until the owner of the cat shall have obtained a license as provided in this Code and pay the redemption charge of Twenty-Five Dollars ($25.00) for the first offense. The fee for the second offense in one (1) year shall be Fifty Dollars ($50.00) and thereafter One Hundred Dollars ($100.00).

3-4-8 CATS INJURING OR DESTROYING PROPERTY OF OTHERS. It shall be unlawful for any person to own, or allow to be in or upon any premises occupied by him or her or under his or her charge or control, any cat that in any manner injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section it shall appear to municipal judge that the person be guilty as charged in said complaint, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed.

3-4-9 LICENSE FEE. The license fee for all cats shall be the sum of Ten Dollars ($10.00); provided, however, the license fee for all spayed female cats and neutered male cats shall be the sum of Five Dollars ($5.00). (Ord. No. 1192; 12-10-01)

3-4-10 HOBBY KENNEL OR CATTERY PERMIT. It shall be unlawful for any person to have or maintain a hobby kennel or cattery within the municipality without first having obtained a hobby kennel or cattery permit from the City as herein provided.

Any person having a hobby kennel or cattery shall make application to the warden for the permit. Upon a finding by the warden that the premises are in compliance with the law and upon payment of the permit fee, said permit will be issued.

(A) Permits are not transferable from one person to another person or place.

(B) A permit holder shall notify the warden of any change in his or her operations which may affect the status of his or her permit and shall keep the warden apprised of any change in name or location of his or her kennel.
(C) The hobby kennel or cattery permit shall expire December 31 of the calendar year for which it is issued. All permits shall be due January 1 of each year and shall expire on December 31 following year.

(D) The permit fee shall be as follows:

1. For each kennel with 4 to 10 cats, $35.00
2. For each kennel with 11 to 15 cats, $50.00.
3. For each kennel with 16 cats or more, $5.00 per cat.

(E) The above permit fee shall be in lieu of the license fee for individual cats as provided for hereinbefore in this Code.

Any decision of the warden under the provisions of this section may be appealed to the City Council, which shall hear and render a decision in this matter.

3-4-11 MINIMUM STANDARDS OF SANITATION.

(A) Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.

(B) Animals maintained in pens, cages, or runs for periods exceeding **twenty-four (24) hours** shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. Cages are to be of material and construction that permit cleaning and sanitizing.

(C) **Indoor Housing.** These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals comfort and health.

(D) Outside housing or enclosures shall allow adequate protection against weather extremes. Floors of buildings, runs, and wall shall be of an impervious material to permit proper cleaning and disinfection. Outside runs must be within a yard with an additional or separate fence around it, and screened from view by either plantings or the additional fence.

(E) Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

(F) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition each and every day.

(G) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(H) All animals shall have fresh water available at all times. Water vessels shall have weighted bottoms or be mounted or secured in a manner that prevents tipping and be of the removable type

(I) Each cat shall be observed daily by the cat caretaker in charge or his or her representative. Sick, diseased, injured, lame, or blind animals shall be provided with proper veterinary care.
3-4-12 **DISPOSITION OF FEES.** The warden shall deposit all monies for tags, kennel license or penalties received by him or her under this Code with the City Treasurer, who shall credit the deposits to the animal control fund.

3-4-13 **TERM OF LICENSE.** All licenses issued under this Code shall expire on the 30th day of June of the calendar year for which issued. All licenses hereunder shall be due July 1 of each year and shall expire on June 30th of the following year.

3-4-14 **ENFORCEMENT.** The enforcement of the provisions of this Code shall be under the direction of the animal control warden. For the purpose of enforcing this Code the warden or any animal control warden or police officer may obtain a search warrant or other appropriate court order to permit entering private premises.

3-4-15 **POISONING OR INJURING CATS.** It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any cat, or to neglect, or in any manner to mistreat, injure, maim, or destroy except as elsewhere in the ordinance specifically authorized, or in any manner to attempt to mistreat, injure, maim, or destroy a cat of another, or to place any poison, poisoned food or poisoned bait where the same is accessible to any cat. This section shall not be interpreted to prohibit an act of a licensed veterinarian in causing a cat's death in a humane manner with the approval of the owner of the cat.

3-4-16 **DUTY TO PLACE CAT UNDER OBSERVATION; WHEN REQUIRED; PROCEDURE.** When any person owning a cat has been notified by any person injured or by someone in his or her behalf, or by someone with knowledge of said injury, that the person has been bitten or attacked by said cat, or when any person owning a cat has been notified by any person that said cat has been bitten by a rabid animal, the owner shall immediately place the cat under the care and observation of the director or of a licensed veterinarian within the county with the expense thereof to be borne by the owner of such cat; and failure of the owner to submit said cat or other animal within twenty-four (24) hours after notice of said bite or attack to the director or a veterinarian within the county constitutes a violation of this Code. The warden or licensed veterinarian shall impound said cat for care and observation for a period of ten (10) days in compliance with standards adopted by the City Council. It shall be lawful for the warden or an agent of the warden, to destroy in a humane manner any cat that has been determined by the director to have rabies, or that has been impounded for observation after the period of observation has expired unless the owner shall, within five (5) days after notice has been given, redeem such cat by paying such expense incident to such impounding, observation, or treatment. It shall be illegal for any person to release any cat held for observation to any person prior to expiration of the period of
observation. Before any such cat shall be released the person to whom it is released shall submit proof in the form of a certificate issued by a license veterinarian or other person authorized by law to administer rabies inoculation that such cat does not have rabies and has been properly inoculated for rabies. Such impounded cat may be released temporarily directly by a license veterinarian.

3-4-17 **HOLDING IMPOUNDED CATS.** Any cat impounded because of not being properly licensed shall be held by the warden for not less than twenty-four (24) hours, unless sooner redeemed or released as hereinafter provided. The warden shall notify the owner of any cat impounded if such owner's identity and address can be ascertained upon reasonable investigation. Such notice shall be given within twenty-four (24) hours after such cat is impounded under any of the provisions of this ordinance. The notice shall inform the owner that the cat has been impounded, the purpose or reason for such impounding, and the requirements to permit release of the cat including fees or other charges incurred.

(A) In the event the warden shall find a suitable home for such cat within the municipality, the person taking such cat shall first procure from said warden a license and metallic tag for that particular cat as provided for hereinbefore in this Code. The warden is not required to charge for the sale of the cat, except for a charge for license fee and, if such cat is four (4) months of age or older and has not had a vaccination for rabies as required by this Code, the person receiving the cat must have the cat vaccinated for rabies at that person's expense.

3-4-18 **SHELTER FEE; RELEASE FROM SHELTER.** Any cat held or impounded in the animal shelter because of the violation of any of the provisions of this Code by its owner, shall be released to the owner thereof by the warden upon proof of ownership of such cat and upon presentation of the license and valid rabies certificate for the current year showing that such cat has been properly licensed and inoculated for rabies, and further upon the payment of a shelter fee of Twenty-Five Dollars ($25.00). All cats which shall have remained in the shelter seventy-two (72) hours without being claimed or released may be destroyed in a humane manner, except as hereinbefore provided.

3-4-19 **WARDEN’S DUTIES.** It shall be the duty of the warden or his assistants to do the following acts:

(A) Establish and maintain, or supervise under contract, an animal shelter at some convenient location, which shall be kept sanitary, properly heated, ventilated, and lighted;

(B) Properly house, feed, water, and care for all cats confined in the animal shelter;

(C) Enforce the licensing of all cats in the municipality as hereinbefore provided;
(D) Issue citations in the municipal court against any person failing to license any cat as hereinbefore provided;
(E) Capture and secure all cats running at large contrary to the provisions of this Code and remove such cats in a humane manner to the animal shelter.

Whenever there is any violation of any provision of this Code, the warden or any of his assistants finding such violation shall, except as otherwise provided, take the name and address of such person violating such provision and the description of the cat owned by him or her and issue a summons or citation or otherwise notify him or her in writing to appear in court at a time and place to be specified in such summons or notice. Such hearing shall be at least five (5) days after the notice, unless such person shall demand an earlier hearing. It shall be unlawful for any person to disregard a summons issued as provided herein or to fail to appear in court as provided by such summons or citation. A warning ticket may be issued in lieu of such summons or citation.

3-4-20 **WARDEN'S RECORDS AND REPORTS.** The warden shall keep accurate account of all cats received by him or her at the shelter and released by him or her to the owner, showing the date and from whom received, the description of the cat, the name and address of the person or persons releasing. He shall keep a like accurate account and description of all cats destroyed. On the last day of each month, the shelter manager shall forward to the director an accurate and complete account of all monies received by him or her during the month under the provisions of this Code, together with a statement of the number of cats in the shelter at the first of the month, the number received, the number destroyed, the number released, and the number on hand at the end of the month.

3-4-21 **IMPOUNDING TIME LIMIT.** It shall be unlawful for the warden to destroy or cause or permit to be destroyed any cat impounded until the expiration of impounding time limit of seventy-two (72) hours, except that the warden may, when in his or her judgment a cat so impounded is suffering from any injury or disease and recovery is doubtful, destroy such cat in a humane manner.

3-4-22 **INTERFERENCE WITH CAPTURE OF CATS.** It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the warden while engaged in capturing, securing, or taking to the animal shelter any cat or cats subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon, or other vehicle used for the collecting or conveying of cats to the shelter.
ARTICLE V - LICENSES

3-5-1 LICENSE AND REGISTRATION REQUIRED. It shall be unlawful for any person within the City to own, keep or harbor any cat or dog over four (4) months of age without procuring a license for such cat or dog as provided in this Code.

3-5-2 LICENSING OF DOGS. Each owner of a dog more than four (4) months of age on July 1 of any year, or four (4) months of age within the license year, (the word “owner” when used herein includes every person who owns, harbors or keeps a dog) shall annually, or within thirty (30) days from the date such dog becomes four (4) months of age, pay a Dog License Fee and obtain a license therefore. The license years shall commence on July 1 and end the last day of June the following year.

3-5-3 LICENSING OF CATS. Each owner of a cat more than four (4) months of age on July 1 of any year or four (4) months of age within a license year (the word “owner” when used herein includes every person who owns, harbors or keeps a cat) shall annually, or within thirty (30) days from the date such cat becomes four (4) months of age, obtain a license for each cat from the City Clerk. The license year shall commence on July 1 and end the last day of June the following year.

3-5-4 LICENSE FEES. The fee for such cat or dog license shall be Five Dollars ($5.00) for each sexually altered or neutered cat or dog, and Ten Dollars ($10.00) for each sexually unaltered or unneutered cat or dog. The license year shall commence on July 1 and end on the last day of June of the following year. (Ord. No. 1192; 12-10-01)

3-5-5 UNLICENSED DOGS OR CATS. Whenever any unlicensed dog or cat is seized or impounded as hereinafter provided, one of the conditions of its redemption shall be the purchase of a license for said dog or cat by the owner thereof.

(Ord. No. 1042; 06-13-94)
ARTICLE VI - MACOUPIN COUNTY ANIMAL CONTROL

DIVISION I - GENERALLY

3-6-1 PURPOSES OF CHAPTER. The purposes of the Animal Control programs are as follows:

(A) To protect the public health and safety:
   (1) From rabies in accordance with the Animal Control Act;
   (2) From dangerous and vicious dogs;
   (3) By educating the public about state and local ordinances;
   (4) By controlling and impounding animals under its jurisdiction;
   (5) By enforcing state statutes and county ordinances; and
   (6) By enforcing local ordinances to intergovernmental agreements.

(B) To promote the welfare of animals:
   (1) By adhering to the state humane care for animals act;
   (2) By educational programs about responsible pet ownership; and
   (3) By the humane care and maintenance of impounded animals.

3-6-2 DEFINITIONS. As used in this Article the following terms shall mean as indicated below:

"ACT": The Animal Control Act, 510 ILCS 5/1 through 5/27, as amended.

"ADMINISTRATOR": A veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or in the event a veterinarian cannot be found and appointed pursuant to this Act, a non-veterinarian may serve as Administrator under this Act. In the event the Administrator is not a veterinarian, the Administrator shall defer to the veterinarian regarding all medical decisions. (510 ILCS 5/2.01)

"ANIMAL": Any animal both domestic and wild, other than man, which may be affected by rabies. (510 ILCS 5/2.03)

"ANIMAL CONTROL WARDEN": Persons appointed by the Administrator in such number as authorized by the County Board to perform duties assigned by the Administrator set forth in this Chapter.

"ANIMAL CONTROL FACILITY": May be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing the Animal Control Act and
Humane Care for Animals Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

"AT LARGE": Any dog or cat shall be deemed to be at large where it is off the premises of its owner’s real property and not restrained by a competent person.

"BREEDABLE FEMALES": Any dog or cat that is six (6) months or older and is not spayed.

"CAT": All domestic members of the family Felis catus domesticus.

"COMPETENT PERSON": A human being over the age of fifteen (15) years that is capable of controlling and governing the dog or cat in question, and to whose commands the dog or cat is obedient.

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

"DANGEROUS DOG": Any individual dog when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and imminent threat of serious physical injury or death to a person or a companion animal.

"DEPARTMENT": The Department of Agriculture of the State. (510 ILCS 5/2.06)

"DEPUTY ADMINISTRATOR": A veterinarian licensed by the State of Illinois, appointed by the Administrator.

"DIRECTOR": The Director of the Department of Agriculture of the State, or his duly appointed representative. (510 ILCS 5/2.08)

"DOG": All domestic members of the family Canis familiaris.

"DWELLING UNIT" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (510 ILCS 5/2.11)

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

"FERAL CAT" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or (ii) is a formerly owned cat that has been abandoned and is no longer socialized.

"HAS BEEN BITTEN": Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced. The phrase further includes contact of saliva with any break or abrasion of the skin. (510 ILCS 5/2.12)

"HUMANELY DISPATCHED" means the painless administration of a lethal dose of an agent which shall cause the painless death of an animal as prescribed in the Journal of the American Veterinary Medical Association, January 15, 1993. Said methods shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

"IMPOUNDED" means taken into custody of the public animal control facility in the city, town, or county where the animal is found.

"INOCULATIONS AGAINST RABIES": The injection of an anti-rabies vaccine approved by the Department. (510 ILCS 5/2.13)

"INTACT ANIMAL" means an animal that has not been spayed or neutered.

"KITTENS": All domestic members of the family Felis catus domesticus, male or female, under the age of four (4) months.

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

"LICENSED VETERINARIAN": A veterinarian licensed by the State in which he engages in the practice of veterinary medicine.

"MULTIPLE PET OWNER" means any person who harbors more than five (5) dogs or cats, or any combination thereof, over four (4) months of age on their property or in their dwelling unit. (510 ILCS 5/2.15)

"OWNER": Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly
permits a domestic animal to remain on or about any premises occupied by him or her. (510 ILCS 5/2.16)

"PERSON": Any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit.

"PHYSICAL INJURY": The impairment of physical condition. (510 ILCS 5/2.18)

"PUPPY": All members of the family Canis familiaris, whether male or female, under four (4) months of age.

"REGISTRATION CERTIFICATE": A printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Act. (510 ILCS 5/2.19)

"RESTRAINT": An owned animal, off the premises of its owner’s real property, is under restraint within the meaning of this Code:

(A) If it is controlled by a line or leash not more than six (6) feet in length when said line or leash is held by a competent person.
(B) Controlled by a leash of fifty (50) feet or less during training session conducted by a competent person.
(C) When within a vehicle being driven, parked, or stopped; or
(D) Confined in a cage or other animal carrier.
(E) While utilized in the sport of hunting.

"RURAL": The unincorporated area of the County which has not been subdivided for residential purposes.

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

"SHELTER": A structure which has four (4) sides, a roof, floor, bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.

"STERILIZED" means the surgical spay of a female animal or castration of a male animal, so as to render such animal incapable of reproducing.

"STRAY" means an animal which shall be considered a stray according to the ordinances that exist in the County in which the animal is found.
"STRAYING" means a dog or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods as set forth in 8 Ill. Adm. Code 30.140(b)(1), (2) and (3) in the Animal Control Act.

"TAG": A serially numbered medallion approved by the Department to be issued, at a fee set by the County Board, as evidence of inoculation against rabies.

"VICIOUS DOG": A dog that bites a person, attacks a person or causes physical injury, serious physical injury or death to a person or a companion animal or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions.

"WILD ANIMAL" means a wolf, coyote, or the offspring of a mating between a wolf or coyote and a dog (hybrid names: coydog or wolf hybrid). There is no recognized vaccine approved for use on wild animals; therefore, wild animals shall not be vaccinated against rabies and will be impounded for no rabies vaccination.

3-6-3  ADMINISTRATOR AND COUNTY BOARD. The County Board shall appoint a licensed veterinarian as Administrator. In the event the appointed Administrator is not a licensed veterinarian, the Board shall appoint a licensed veterinarian as Deputy Administrator. Appointments shall be made as necessary to keep this position filled at all times. The Administrator may appoint as many deputy administrators and animal control wardens to aid him/her as may be authorized and appointed by the Board. The compensation of the Administrator, deputy administrators and animal control wardens shall be fixed by the Board. The Administrators, Deputies and animal control wardens may be removed from office by the Board for cause. The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of County ordinances. The Board is authorized by ordinance to require the registration of all dogs and cats. The Board will require any dog or cat that is involved in a bite case to be microchipped at the owner's expense. The Board shall impose an individual dog or cat registration fee with a minimum differential of Ten Dollars ($10.00) for intact dogs or cats. The Ten Dollars ($10.00) of the differential shall be placed in a County pet population control fund. If the money is placed in the County pet population control fund it shall be used to:

(A) Spay, neuter, or sterilize adopted dogs or cats or
(B) Spay or neuter dogs or cats owned by low income county residents who are eligible for the Food Stamp Program.

All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats. (510 ILCS 5/8)
3-6-4  **ANNUAL REPORT.** The County Board shall submit an annual report to the Department showing the number of dogs or cats inoculated, fees and penalties collected, and the number of cases of rabies occurring in the County.

3-6-5  **ENFORCEMENT.** It is the duty of the Administrator, subject to the general supervision and regulations of the Department, to enforce the provisions of this Article and to inoculate dogs and cats or have the work done by his/her deputies or by licensed veterinarians. The Administrator, his/her deputies, and animal control wardens are, in accordance with the Act and for the purpose of enforcing it clothed with power of the police officers in the County and within such county are peace officers in the enforcement of the provisions of the Act, including issuance and service of citations and orders, and, as such peace officers have the power to make arrests on view or on warrants for violation of the Act and to execute and serve all warrants and processes issued by, any circuit court, however, such peace officers are prohibited from carrying concealed weapons. The Sheriff and his/her deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of the Act. *(510 ILCS 5/5)*

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

(A) Any dog found running at large contrary to provisions of this Act may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter.

(B) The provisions of subsections (A), shall not apply to:

1. Dogs being used in hunting, field trials; and
2. Dog shows while on public lands set aside for those purposes;
3. Blood hounds or other dogs used for tracking in conjunction with police activities;
4. Dogs of the Canine Corps of any police force, the state police, any federal law enforcement agency, or the Armed Forces while being used to conduct official business or being used for official purposes.

(C) Failure to comply with this Section is a violation for which such person shall pay a penalty of **Twenty-Five Dollars ($25.00)** for first violation, **Fifty Dollars ($50.00)** for second violation occurring within any **twelve (12) month** period and **One Hundred Dollars ($100.00)** for the third and each subsequent violation within any **twelve (12) month** period. The dog’s owner shall pay a **Twenty-Five Dollar ($25.00)** public safety fine, **Twenty Dollars ($20.00)** of which shall be deposited into the Pet Population Control Fund and **Five Dollars ($5.00)** of
which shall be retained by the County or municipality. A dog found running at large to the provisions of this Ordinance a second or subsequent time must be spayed or neutered within **seven (7) days** at the owner’s expense after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment of animal. *(510 ILCS 5/9)*

**3-6-7 IMPOUNDMENT AND REDEMPTION.**

(A) When any dog or cat is apprehended and impounded by the Administrator or any of his/her representatives, the dog or cat must be scanned for the presence of a microchip.

(B) The Administrator or any of his/her representatives shall give notice of not less than **seven (7) days** to the owner, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Administrator or his deputy or agent who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog or cat.

(C) All dogs and cats which have been impounded in accordance with the provisions of this Article shall be humanely dispatched or disposed of by the pound as stray dogs or cats in accordance with the laws that exist or may hereafter exist when not redeemed by the owner within a period of not less than **five (5) days** from the date of impoundment, excepting Sundays and holidays. In case the owner of the impounded dog or cat desires to make redemption thereof, he may do so on the following conditions:

1. The owner shall present proof of current rabies inoculation; or
2. The owner shall pay for the rabies inoculation and tag fee;
3. The owner shall pay the pound for the board, transportation cost, and medical expenses of the dog or cat, at such rate as is set by the Board, for the period it was impounded;
4. The owner shall pay into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense, **Twenty-Five Dollars ($25.00)** for the first offense, **Fifty Dollars ($50.00)** for the second offense, and **One Hundred Dollars ($100.00)** for the third time and each successive time.
5. The owner shall pay a **Twenty-Five Dollar ($25.00)** public safety fine to be deposited into the Pet Population Control Fund; this fine will be returned if it's the dog's or cat’s first impoundment and the owner has the animal spayed or neutered within **seven (7) days**.
(6) The owner will pay for the dog or cat to be microchipped (not to exceed **Fifteen Dollars ($15.00)** per animal, if done by the County) and registration if not already done.

(510 ILCS 5/9 - 5/11)

3-6-8 REDEMPTION BY PERSON OTHER THAN OWNER.

(A) Upon expiration of **seven (7) days** from the date of impoundment, except Sundays and holidays, an unclaimed dog or cat, which has been deemed suitable for adoption by the animal control officer or Administrator, may be adopted by any person other than the owner upon payment to the animal control officer, administrator, or delegate the adoption fee and sterilization deposit; provided that every dog or cat redeemed must have attached to its collar, or proof must be provided within **seventy-two (72) hours** of, the rabies registration tag of the County.

(B) No animal shall be adopted from the animal control facility unless sterilized at the cost of the new owner. Any animal adopted from the animal control facility shall be sterilized pursuant to an adoption agreement. Any owner who fails to sterilize his/her adopted animal pursuant to the terms of the agreement shall be in violation of the law. Ownership of any adopted animal not sterilized shall revert to the animal control facility, and the animal is subject to immediate impoundment by the animal control officer or Administrator.

3-6-9 RIGHT OF ENTRY; INSPECTIONS; REFUSAL TO DELIVER DOG OR OTHER ANIMAL. The Administrator, or his/her authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request by the Administrator or his/her authorized representative, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Act. (510 ILCS 5/17)

3-6-10 HARBORING STRAY ANIMAL(S) RESTRICTED. No person shall harbor, keep, care for, feed or allow to remain on their property any stray domestic animal without notifying the Administrator or any of his/her representatives within **forty-eight (48) hours**.

3-6-11 DISEASED OR INJURED ANIMALS. Any animal which does not exhibit a valid vaccination or registration tag and which reveals the symptoms of an injury or disease, clearly not those of rabies, as determined by the Administrator or
his/her designated agent, may be subjected to disposal as provided in Section 5-21 of this Code at the earliest possible time by the shelter personnel.

3-6-12 **ENFORCEMENT OFFICERS NOT RESPONSIBLE FOR ACCIDENT OR DISEASE TO ANY DOG OR CAT.** The Administrator, manager, administrators, animal control wardens or anyone enforcing the provisions of this Article shall not be held responsible for any accident or disease that may happen to any dog or cat.

3-6-13 **VIOLATIONS, PENALTIES AND SETTLEMENT OPTION.**

   (A) Any person violating or aiding the violation of this Division or counterfeiting or forging any certificate, permit or tag, or making any misrepresentation in regard to any matter prescribed by the Act, or resisting, obstructing or impeding the Administrator or any authorized officer in enforcing the Act, or who removes a tag from a dog for purposes of destroying or concealing its identity, shall pay a penalty of not less than **Fifty Dollars ($50.00)** and not more than **Five Hundred Dollars ($500.00)** for the first violation, not less than **Seventy-Five Dollars ($75.00)** and not more than **Five Hundred Dollars ($500.00)** for the second violation occurring within a **twelve (12) month** period and not less than **Two Hundred Dollars ($200.00)** and not more than **Five Hundred Dollars ($500.00)** for the third and each successive violation within a **twelve (12) month** period. Each day a person fails to comply constitutes a separate offense.

   (B) The Administrator or any law enforcement officer may issue a ticket in those instances where an owner violates this Chapter by permitting his/her animal to run at large; by failing to have his/her animal currently inoculated against rabies; by failing to register his/her animal; or by failing to have his/her animal wear evidence of current rabies inoculation; or harboring a barking dog. The ticket would allow the owner to satisfy the violation without a court appearance by a written plea of guilty and payment of the minimum fine prescribed in this Chapter, along with the applicable costs. If the person wishes to contest the violation charged, he/she may enter a plea of not guilty on or before the court appearance date found on the ticket. Where the offense charged is for an animal not currently inoculated against rabies, not registered, not wearing evidence of current rabies inoculation, the owner of the animal must, in addition to payment of the fine, present evidence that the animal has been inoculated against rabies.

   (C) Any county officer failing, refusing, or neglecting to carry out the provisions of this Chapter or the Act shall be guilty of a petty offense and shall be fined not less than **Twenty-Five Dollars ($25.00)** nor more than **One Hundred Dollars ($100.00)** for each offense.
3-6-14 **COLLECTION OF MONIES.** The Administrator of the County animal shelter shall have and perform the following duties enumerated in this Section, in cases involving violations of the sections of this Article:

(A) Accept payment of designated fines, penalties and fees and issue receipts for the same.

(B) Maintain records of all violations of the provisions of this Chapter of which each person has been guilty during the preceding **twenty-four (24) months** whether such guilt was established in court or by payment of a fine into the animal control fund.

Whenever any person charged with an offense which is payable at the animal control facility shall fail to appear and pay his/her fine in the time prescribed, the Administrator shall cause a complaint to be filed against such person for such violation in accordance with arrest procedures.

3-6-15 **FINES AND FEES PAID INTO ANIMAL CONTROL FUND.** All fines, forfeitures, penalties and fees collected as a result of the enforcement of this Chapter shall be paid into the Animal Control Fund. *(510 ILCS 5/7)*

3-6-16 **ANIMAL CONSIDERED A NUISANCE.** No person owning, possessing or harboring any animal within the County shall permit said animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:

(A) Substantially damages property other than the owner’s.

(B) Causes unsanitary, dangerous or unreasonably offensive conditions. *(This subsection does not apply to animals defined as “livestock” in Chapters 505 through 510 ILCS.)*

(C) Causes a disturbance by excessive barking, caterwauling or other noisemaking. *(This subsection does not apply to animals defined as “livestock” in Chapters 505 through 510 ILCS.)*

(D) Chases vehicles.

(E) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.

(F) Chases, molests, attacks, bites, or interferes with other domestic animals while off the premises of the owner.

The Administrator or animal shelter manager or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections (E) or (F) above and not restrained by a competent person.

Any person found in violation of this Section, except subsection (E), shall be penalized as set forth in **Section 3-6-12** above. Any person found in violation of this subsection (E) shall pay a penalty of **Fifty Dollars ($50.00)** for the first violation, **One Hundred Dollars ($100.00)** for the second violation, and **Five Hundred Dollars**
($500.00) for the third and subsequent violations. This Section requires the support of the complainant for issuance of a violation complaint. (510 ILCS 5/27; 740 ILCS 55/221)

3-6-17 INTERFERENCE WITH ANIMAL CONTROL PERSONNEL. It shall be unlawful for any person to obstruct, impede or interfere with the Administrator or any of his/her delegates or the police in the performance of their duties, or to prevent or attempt to prevent the Administrator or any of his/her delegates or the police from capturing or impounding any animal within the County.

DIVISION II - RABIES CONTROL

3-6-18 INOCULATION OF DOGS AND CATS.

(A) Every owner of a dog or cat four (4) or more months of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian annually or at such intervals as hereafter may be promulgated by the Department. Evidence of such inoculation shall be entered upon a certificate, the form of which shall be approved by the County Board, and the certificate shall be signed by the licensed veterinarian administering the vaccine.

(B) The veterinarian administering the vaccine shall cause the certificate of inoculation to be distributed as follows:

(1) One (1) copy shall be given to the owner at the time of inoculation;

(2) One (1) copy shall be filed with the office of the Administrator, or such place as the County Board shall designate, within thirty (30) days after the date of inoculation;

(3) One (1) copy shall be retained by the veterinarian administering the inoculation for a period of five (5) years, or such period as set by the Department or the County Board.

(C) The type and brand of rabies vaccine used shall be licensed by the U.S. Department of Agriculture and approved by the Department.

(D) Every owner of a dog or cat shall comply with the provisions in this Ordinance. Each day a person fails to comply constitutes a separate offense. If an animal is not inoculated and registered after its owner has been found to be in violation of this Section or sections on (i) inoculation tags; (ii) confinement of animal which has bitten someone; or (iii) duties of owners of rabid or biting animals, two (2) times within a twelve (12) month period, said animal shall be impounded by the Administrator or his/her delegate and may be redeemed or disposed of in accordance with the provisions of this Code.
(E) Anyone that owns a dog or cat that is not vaccinated for rabies, will be issued a written warning and will be given seven (7) days to get the dog or cat vaccinated for rabies. If owner doesn’t comply, the owner will be issued a Fifty Dollar ($50.00) ticket and dog or cat will be impounded. (510 ILCS 5/8)

3-6-19 INOCULATION TAGS.
(A) The owner of a dog or cat shall, within ten (10) days after such dog or cat has been inoculated against rabies, procure an inoculation tag from the County. The cost of the tag shall be determined and set by the County Board. The owner of a dog or cat shall cause the inoculation tag to be attached to a collar or harness to be worn by the animal whenever the animal is not confined in a secure enclosure place. Valid rabies inoculation tags and certificates from other counties shall be honored while the animals in transit or until the dog or cat owner has established residence in this County.
(B) A licensed veterinarian may procure serially numbered inoculation tags from the County, at a fee set by the Board, and issue one (1) tag with each inoculation certificate at the time of inoculation. A licensed veterinarian shall collect such tag fee from the owner at the time the inoculation tag is dispensed.

3-6-20 CONFINEMENT OF ANIMAL THAT HAS BITTEN SOMEONE.
(A) When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator, or his/her authorized representative, shall have such dog or other animal confined under the observation of the County animal control facility or at a licensed veterinarian for a period of ten (10) days. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within twenty-four (24) hours after the dog or other animal is presented for examination, giving the owner’s name, address, the date of confinement, the breed, description, age and sex of such dog or other animal, on appropriate forms approved by the Department. The Administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the Administrator advising him/her of the final disposition of such dog or other animal on appropriate forms approved by the Department.
(B) When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of ten (10) days, if the Administrator, adjudges such confinement satisfactory. At the end of the confinement period, such dog or other animal shall be examined by the Administrator, or another licensed veterinarian. (510 ILCS 5/13)
3-6-21  **DUTIES OF OWNERS OF RABID OR BITING ANIMALS.**

(A)  The owner of any dog or other animal which exhibits symptoms of rabies and any dog or other animal in direct contact with such dog or other animal, whether or not such dog or other animal has been vaccinated, shall immediately notify the Administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least **ten (10) days**, unless officially authorized by the Administrator, in writing, to release it sooner.

(B)  It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Administrator, or his/her authorized representative.

(C)  It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written, or printed instructions made by the Administrator, or his/her authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his/her responsibilities.

(D)  Any expense incurred in the handling of any dog or other animal under this Section shall be borne by the owner.

(E)  For the purpose of this Section, the word “immediately” means by telephone, in person, or by other than use of the mail.

(F)  The owner of a biting animal must also remit to the state Department of Public Health, for the deposit into the Pet Population Control Fund, a **Twenty-Five Dollar ($25.00)** public safety fine within **seven (7) days** after notice.

(G)  Any dog or cat that bites a person will be microchipped before the animal is released to the owner or if the animal is already rabies vaccinated and quarantined at home, the animal will need to be microchipped after the **ten (10) day** quarantine period is finished. The owner is responsible for the microchip expense, not to exceed **Fifteen Dollars ($15.00)** fee. If owner doesn’t comply, the dog or cat will be impounded and owner charged for the impoundment fee, any boarding fees, and the microchip fee.  **(510 ILCS 5/12)**

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3-6-22  **REIMBURSEMENT TO ANIMAL BITE VICTIMS.**  The County is not obligated to pay to any person or resident of the County from the animal control fund any amount for the purchase of human rabies antiserum, the purchase of human vaccine, any costs for the administration of the serum or vaccine or any amount for medical care which may have been provided to human bite victims.
3-6-23 **REGISTRATION FEES.** The registration fee to be charged to the owner of animals in the County shall be:

(A) For an annual registration, **Five Dollars ($5.00)** for each animal which is neutered or spayed;

(B) For an annual registration, **Fifteen Dollars ($15.00)** for each animal which is not neutered or spayed.

3-6-24 **DANGEROUS ANIMALS.** Any animal running at large within the County whose capture endangers or threatens the safety of an animal control officer, police officer, sheriff or deputy sheriff, or endangers the safety of any person within the County, may be slain by an animal control officer, police officer, sheriff, or deputy sheriff.

**DIVISION III - VICIOUS AND DANGEROUS DOGS**

3-6-25 **SCOPE.**

(A) In order to have a dog deemed “vicious” as defined in Section 3-6-1 of this Code, the Administrator, Deputy Administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report finding that the dog is a vicious dog and give the report to the State’s Attorney Office and the owner. The Administrator, State’s Attorney, or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a board certified veterinarian or another recognized expert may be relevant to the court’s determination of whether the dog’s behavior is justified. The Administrator may impound said dog upon finding the dog is a vicious dog. The Administrator will determine where the animal shall be confined during the pendency of the case.

(B) A dog may not be declared vicious if the Administrator determines the conduct of the dog was justified because:

1. The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon the property of the owner or custodian of the dog;

2. The injured, threatened, or killed person was abusing or assaulting the dog.

3. No dog shall be declared vicious if it is a professionally trained dog for law enforcement in the performance of its
duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

(C) No landlord or landlord’s agent shall knowingly permit any tenant to move a vicious dog into or keep a vicious dog in any building or premises owned or controlled by such landlord or agent. No landlord or landlord’s agent shall knowingly permit any tenant to keep a vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent thereof learning of any vicious dog in any building or premises owned or controlled by such a landlord or agent thereof shall notify the person having such dog to remove the dog from the premises immediately.

(D) Owner of rental property, landlord, or landlord’s agent that allows or permits a vicious dog on his rental property, to stay in any of rental buildings, or helps hide a vicious dog in any of the rental buildings, will be responsible for any damage that the dog may cause if the animal attacks a person or companion animal. The dog will be impounded and euthanized.

(510 ILCS 5/15)

3-6-26 VICIOUS DOGS - CONTROL, IMPOUNDMENT, APPEAL.

(A) Any dog which has been found to be a vicious dog shall be impounded by the Administrator, animal control warden, or the law enforcement authority having jurisdiction in such area.

If a dog is found to be a vicious dog, the owner shall pay a **One Hundred Dollar ($100.00)** public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within **ten (10) days** of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a **Five Hundred Dollar ($500.00)** fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog will not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(B) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog’s life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely
muzzled and restrained with a leash not exceeding six (6) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area. If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within fifteen (15) days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(C) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for thirty (30) days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(D) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within five (5) business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

(E) If the court orders the posting of security, the security must be posted with the Clerk of the court within five (5) business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization. (510 ILCS 5/15)

3-6-27 DANGEROUS DOGS; NUISANCE; EXCEPTIONS.
(A) After a thorough investigation, including: sending notifications to the owner of the alleged infractions within ten (10) business days, the fact of the
initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his/her designee, or the Director, to deem a dog to be “dangerous”. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process. A dog may not be declared dangerous if the Administrator, or his/her designee, or the Director determines the conduct of the dog was justified because:

(1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog;
(2) The threatened person was abusing or assaulting the dog;
(3) The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
(4) The dog was responding to pain or injury.

(B) If deemed dangerous, the Administrator, or his or her designee, or the Director shall order:

(1) The dog’s owner to pay a Fifty Dollar ($50.00) public safety fine to be deposited into the Pet Population Control Fund,
(2) The dog to be spayed or neutered within seven (7) days at the owner’s expense and microchipped, if not already, and
(3) One or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
   (a) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
   (b) direct supervision by an adult eighteen (18) years of age or older whenever the animal is on public premises.

(C) The Administrator may order a dangerous dog to be muzzled and leashed whenever it is off the owner’s real property in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(D) It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods. (510 ILCS 5/15.2)
(E) All owners or keepers of dogs found to be dangerous must post in clear view at all times, and in the most conspicuous or prominent point of entry to the premises, a sign indicating dangerous dog on the premises. Such sign shall be at least **eight and one-half (8 ½) inches by eleven (11) inches** in size, and shall contain in words and pictures, a clear indication that a dangerous dog is on the premises.

(F) The owner of a dog deemed dangerous shall supply a certificate of insurance naming the host agency in the amount of **One Hundred Thousand Dollars ($100,000.00)** and has to keep the insurance as long as the person owns the dog. If the owner allows the insurance to lapse, the dog will be impounded.

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

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

(I) The Administrator or animal control officer has the right to impound a dangerous dog if the owner fails to comply with the requirements in this Section.

(510 ILCS 5/15.1)

3-6-28 DANGEROUS DOG; APPEAL.

(A) The owner of a dog found to be a dangerous dog pursuant to this Act by an Administrator may file a complaint against the Administrator in the circuit court within **thirty-five (35) days** of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and the Code of Civil Procedures,
including the discovery provisions. After hearing both parties’ evidence, the court may make a determination that the dog is a dangerous dog if the Administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(B) The owner of a dog found to be a dangerous dog pursuant to this Act by the Director may, within fourteen (14) days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the Department of Agriculture’s rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the department may be reviewed judicially by the circuit court of the County wherein the person resides, or in the case of a corporation, the County where its registered office is located. The Administrator review law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the department hereunder.

(C) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the Administrator, the court, or the Director. (510 ILCS 5/15.3)

3-6-29 VIOLATIONS; PENALTIES. Any person found guilty of a violation of Section 3-6-25(C), 3-6-26(A), or of Section 3-6-27(B)(1-3), (C), or (D) in a court of law shall pay a fine of not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00). A penalty under this Section shall be in addition to and not in lieu of any action taken under Section 3-6-26(B), or Section 3-6-27(G).
(55 ILCS 5/5-1071.1; 510 ILCS 5/15)

DIVISION IV - PREVENTION OF CRUELTY TO ANIMALS

3-6-30 HUMANE CARE OF ANIMALS. No owner shall fail to provide his/her animal(s) with:

(A) Sufficient, nutritious food.
(B) Fresh, clean water at all times.
(C) A shelter which has four (4) sides, a roof, floor, and bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.
(D) Regular and sufficient veterinary care to prevent suffering and maintain health.

3-6-31 **ABANDONMENT OF ANIMAL UNLAWFUL.** It shall be unlawful for any person to abandon any animal within the County.

3-6-32 **ACTS OF CRUELTY TO ANIMALS PROHIBITED.** Unless justifiable in defense of person or property, no person shall:

(A) Kill, wound, or attempt to kill or wound, or poison any domestic animal.

(B) Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the State of Illinois.

(C) Beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse a domestic animal.

(D) Cause, instigate, permit, or attend any dogfight, cockfight, bullfight, or other combat between animals and humans.

(E) Crop an animal’s ears, an animal’s tail or perform similar surgeries except as a licensed veterinarian of the State of Illinois.

(F) Allow any animal to remain unattended in a motor vehicle by a competent person when the animal’s life, health, or safety is threatened.

3-6-33 **IMPOUNDMENT OF VICTIMIZED ANIMALS; OWNER’S APPEAL.**

(A) In the event that the Administrator, animal control officer, or any law enforcement officer finds a domestic companion animal(s) to be a victim of cruelty, neglect, or abandonment as defined by sections with animal cruelty, he/she shall have the right to forthwith remove or cause to have removed any such animal(s) to a safe place for care or to euthanize said animal(s) when necessary to prevent further suffering, all at the owner’s expense. Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred. Treatment of an animal by any method specified herein does not relieve the owner of liability for violations and for any accrued charges.

(B) The owner of an animal that has been impounded may appeal, in writing, the impoundment to the State’s Attorney within seven (7) days of impoundment. After proper notice, a hearing shall be held to determine if said animal was the victim of cruelty, neglect or abandonment. The State’s Attorney may find that the animal is a victim of cruelty, neglect or abandonment if:

(1) Said animal was abandoned;
(2) Said animal was not provided by the owner (or agent) with sufficient water, proper food, shelter to provide protection from the weather, or veterinary care to prevent suffering; or

(3) Said animal was a victim of an act cited in Section 3-6-32 and 3-6-34.

(C) The State’s Attorney may find that the animal is a victim of cruelty, neglect, or abandonment, then he or she shall order appropriate remedies, including, but not limited to, proper veterinary care, humane destruction of the animal, or refusal to return said animal to the owner and shall assess all costs to the owner for enforcement of the appropriate remedy, and for impoundment and boarding of the animal.

(D) Any owner convicted of aggravated cruelty charges, or any of the cruelty listed in Section 3-6-32(D), will not be allowed to own or reside in a household where there are any animal(s) as long as they live in the County.

(E) Any one that violates this Section (D) will be prosecuted and the animal(s) will be impounded.

(510 ILCS 70/10)

3-6-34 ANIMALS FOR USE IN ENTERTAINMENT.

(A) No person may use, own, capture, breed, train or lease any animal which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and other animal or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(B) No person shall own, possess, offer for sale, ship, or transport any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for purposes of sport, wagering, or entertainment.

(C) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between two (2) or more animals or the intentional killing of any animal.

(D) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for the purposes of sport, wagering, or entertainment.
3-6-35 SEIZURE AND DISPOSITION OF ANIMALS AND OTHER ITEMS ILLEGALLY USED IN ENTERTAINMENT.

(A) Law enforcement officers and the Administrator shall seize and impound any and all animals and seize any equipment, money, or other proceeds utilized in or directly related to any violation of the sections on animals used in entertainment. Animals and other items impounded or seized shall be held for evidence and for final disposition by the Court.

(B) The County shall give notice to the person from whom the animals, equipment, money or other proceeds were seized pursuant to paragraph (A) above, or to the person in possession as owner, or lessee of the premises where said items were found, or if the names of any of these persons are unknown to the County, by posting notice upon the outer door of the premises. The notice shall be directed to any person claiming interest in the property or money, to come before the Court on a specified date, not less than three (3) days from the date of the notice, and to show cause, if any, why the items should not be sold at public auction as contraband or otherwise be forfeited as contraband to the County for disposition as authorized herein.

(C) If in the Court’s opinion, after a full hearing, or upon the default of those notified to appear, it appears to the Court that the items seized are in fact contraband, the Court shall order disposition of said items in one or more of the following ways:

1. Any animal(s) forfeited under this Section shall be either humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling county ordinances, or provisions of State law.
2. Any money forfeited under this Section shall be forfeited to the County Treasury.
3. Any other items forfeited under this Section shall be sold at a public auction to the highest bidder for cash, and the proceeds paid to the County Treasury.
4. No equipment used for training, fighting, or killing the animals will be sold at auction, it shall be retained and made available for use in training peace officers in detecting and identifying violations of animals used in entertainment.

3-6-36 DISEASED AND INJURED ANIMALS.

(A) No diseased or sickly horse, cow, hog, dog, cat, or other animal nor any that has been exposed to any disease that is contagious among such animals shall be brought into the County unless under veterinary care.

(B) Any animal, being in any street, highway or public place within the County, appearing, in the estimation of the Administrator, animal shelter manager, or animal control warden, to be injured or diseased and past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper
person to have charge thereof for the owner, and not having been removed to some private premises or to some place designated by such officer or animal control officer within an hour after being found or left in such condition, may be deprived of life by such officer, or as he/she may direct.

(C) No person, other than the Administrator or law enforcement officers, animal control wardens, or persons authorized by contract or otherwise, shall in any way interfere with the removal of such dead, sick or injured animal in such street or place. No person shall skin or wound such animal in any street, highway, or public place, unless to terminate its life as herein authorized, except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a law enforcement officer, or the Administrator, animal shelter manager or animal control warden.

3-6-37 KEEPING ANIMALS OTHER THAN DOMESTICATED PETS.
(A) No person shall keep, harbor, or allow to be kept within the County any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, wolf, wolf-hybrid, venomous reptiles, or other animal normally wild and dangerous to human life. It is no defense to a violation of this Section that the owner or keeper of the animal has attempted to domesticate the animal.
(B) Animals maintained by a zoological park, animal control facility, federally licensed exhibit, veterinary hospital, or educational institutions shall not be regulated by the provisions of this Chapter.

3-6-38 DEAD ANIMALS PROHIBITED. No person shall:
(A) Allow the body, or any part thereof, or any dead animal to decompose and petrify by remaining on his property.
(B) Skin, dismember, butcher, dress, or exhibit any dead animal in view of the public in areas of the County which have been subdivided for residential purposes.

The owner of an animal shall be responsible for the immediate disposal of such animal’s remains on its death from whatever cause and regardless of the location of such animal’s remains.

3-6-39 LIVE ANIMALS FOR RESEARCH PROHIBITED. No live animals in the possession of the animal shelter shall be released, sold, or given to any institution or private firm or individual for the purposes of medical or scientific research.
3-6-40  MULTIPLE-PET LICENSE.

(A) Multiple-pet owners must obtain an annual license from the County upon payment of a fee of Twenty-Five Dollars ($25.00). Such license shall be obtained no later than thirty (30) days after assuming ownership of a sixth (6th) animal and must be renewed annually by January 1st. The annual renewal fee shall be Ten Dollars ($10.00) if the owner receives an inspection of excellent. Payment by a multiple-pet owner shall not exempt such licensee from payment of County registration fees for each dog or cat owned by him/her.

(B) Multiple-pet ownership without obtaining such license shall be in violation of law for which, upon conviction thereof, such owner shall be penalized not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00).

(C) If someone has five (5) or more “breedable females” (dogs or cats) and are selling the offspring and/or the adults, the owner of the animals would need to be licensed with Illinois Department of Agriculture. If the owner has a license with the Department, they would not need a multiple-pet license with the County. The owners will still have to comply with County ordinances in regards to rabies vaccination and registration of the animals. Anyone found in violation of this Section would be charged with operating a kennel without a license.

3-6-41  MULTIPLE-PET OWNER LICENSE REQUIREMENTS. An applicant for a multiple-pet license shall consent to the inspection of the premises where his animals are kept or maintained. Such inspection shall be performed before issuance of the license or upon receipt of a complaint. Annual inspections may be required for multiple-pet owners with marginally acceptable standards. Such inspection may be performed by the Administrator. Failure to comply with a request for inspection is a violation of this Article. Holders of multiple-pet licenses shall conform to the following requirements:

(A) All dogs and/or cats over four (4) months of age must be inoculated against rabies and registered pursuant to this Article.

(B) All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from the weather and sufficient veterinary care to prevent suffering.

(C) If the dogs and/or cats are kept or maintained within a structure or building, such building shall:

(1) Be kept clean, free of feces and urine.

(2) Not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents.

(3) Be well ventilated and maintain appropriate temperature (follow USDA guidelines) to prevent suffering.
If the dogs and/or cats are kept or maintained outside a building:

1. A shelter of sufficient size to permit such animal to stand up and turn around inside when fully grown shall be provided at all times.

2. The shelter shall have four (4) sides, a roof, floor, bedding, and an opening large enough for the animal to enter the shelter. The shelter shall be placed to provide shade from the sun and protection from the weather.

3. The shelter shall be placed at least ten (10) feet from all property lines except where there is an alley.

4. A dog shall be deemed to be housed outside if said dog is outside for more than eight (8) hours in the aggregate during any twenty-four (24) hour period or is outside for more than thirty (30) minutes between the hours of 11:00 P.M. to 7:00 A.M.

The dogs and/or cats shall be prevented from running at large. The dogs and/or cats shall be prevented from causing a nuisance pursuant to Section 3-6-16 of this Act.

The owner’s property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.

The applicant shall not have been found guilty of more than three (3) violations of the animal control ordinance within the previous three (3) years from the date of application.

The owner shall immediately notify the Animal Control Administrator of any change in the animals governed by the multiple pet license including the rabies vaccination and registration required pursuant to this Article.

### 3-6-42 REVOCATION OF MULTIPLE-PET LICENSE.

Upon conviction of a second violation of the requirements pursuant to this Article, the Administrator shall revoke the multiple pet license for a period of not less than three (3) months not more than five (5) years, the length of the revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, the license shall not be automatically reinstated. The former licensee must reapply for the license and show an ability to conform to the existing ordinances before he may be issued a multiple pet license.

Upon revocation of the license, the owner shall relinquish ownership of his/her animals to the Administrator.

### 3-6-43 IMPOUNDMENT OF MULTIPLE PETS.

The Administrator may impound the dogs and/or cats of any multiple-pet owner if such owner does not hold a multiple-pet license.
(B) Such animals shall be redeemed by the owner upon payment to the Administrator the lawful fees accrued pursuant to this Chapter and after application and approval for a multiple-pet owner license.

3-6-44 **NO FERAL CAT COLONIES ARE ALLOWED.** No person shall feed, keep, harbor, permit, or start up any feral cat colonies in the County. The cats will be impounded and euthanized.

3-6-45 **FEMALE DOGS AND CATS IN HEAT.** Every owner of a female dog or cat shall cause such dog or cat to be confined in a secure enclosure while in heat.

3-6-46 **RESPONSIBILITY OF OWNER OF RENTAL PROPERTY.** Owner of rental property who rents to a person who owns an animal that attacks another person or companion animal will be responsible for damages if renter has no insurance to cover the costs of damages.

3-6-47 **NORMAL HUSBANDRY PRACTICES--CONSTRUCTION WITH OTHER LAWS.** Nothing in this Division affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals, or in the extermination of undesirable pests. In case of any alleged conflict between this Division, and the Wildlife Code of Illinois *(520 ILCS 5/1.1 et seq.)*, or “An Act to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale” *(510 ILCS 75/1 et seq.)*, approved July 26, 1967, as amended, the provisions of those acts shall prevail.

3-6-48 **VIOLATIONS; PENALTIES.** Any person found guilty of a violation of this Chapter, in a court of law shall pay a fine of not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00). A penalty under this Section shall be in addition to and not in lieu of any action taken. *(55 ILCS 5/5-1005.4)*

(Ord. No. 1459; 09-22-08)
CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I - PLAN COMMISSION

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

4-1-2  MEMBERSHIP.  The Plan Commission shall consist of seven (7) members; appointed by the Mayor on the basis of their particular fitness for their duty on the Plan Commission and subject to the approval of the City Council.

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

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

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

   (A)  To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the City and contiguous unincorporated territory not more than one and one-half (1 1/2) miles beyond the corporate limits of the City and not included in any other municipality.  Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan or part thereof of the City.  Such plan shall be advisory, except as to such part thereof as has been implemented by ordinances duly enacted by the City Council.
All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the City Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the City and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

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

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

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

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

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

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

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

4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within one and one-half (1 1/2) miles from the corporate limits of the City. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of
the City or within contiguous territory which is not more than one and one-half (1 1/2) miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map. *(See 65 ILCS Sec. 5/11-12-12)*

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

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

(A) To regulate and limit the height and bulk of buildings hereafter to be erected.

(B) To establish, regulate and limit the building or setback lines on or along the street, traffic way, drive, parkway, or storm or flood water runoff channel or basin.

(C) To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces, within and surrounding such buildings.

(D) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.

(E) To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height, and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification), as may be deemed best suited to carry out the purpose of this Section.

(F) To fix standards to which buildings or structures therein shall conform.

(G) To prohibit uses, buildings, or structures incompatible with the character of such districts.

(H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Section.

4-1-9 **EXPENDITURES.** Expenditures of the Commission shall be at the discretion of the City Council and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the City Council and appropriations by the City Council therefor. *(See 65 ILCS Sec. 5/11-12)*
ARTICLE II – ECONOMIC AND LAND DEVELOPMENT COMMISSION

4-2-1  COMMISSION ESTABLISHED, MEMBERS, QUALIFICATIONS. There is hereby established an Economic and Land Development Commission in and for the City. The Economic and Land Development Commission shall be composed of eleven (11) members who shall be appointed by the Mayor with the consent of the City Council.

Members must reside within the City limits and shall be at least twenty-one (21) years of age and registered voters. Members shall not be paid compensation for serving on the Economic and Land Development Commission. (Ord. No. 979; 06-10-91)

4-2-2  APPOINTMENT, TERMS OF OFFICE. Initially the Mayor, with the consent of the Council, shall appoint to the Economic and Land Development Commission nine (9) members for two (2) year terms and two (2) members for one (1) year terms. Thereafter, all members shall be appointed for three (3) year terms. Terms shall be from May 15 to May 14 of the following year.

4-2-3  VACANCIES IN OFFICE. Vacancies shall occur on the Commission for any of the following:

(A) A member fails to meet the qualifications.
(B) A member dies or is disabled; disabled being the inability to function in a manner for service to the Commission, that being medically determined or court adjudicated regarding competency.
(C) A member is removed by action of the corporate authorities. Removal shall be only if both the Commission and the City Council do so by simple majority voting.
(D) A member fails to attend the regular meetings of the Commission without an excused absence and the majority of the Commission recommends removal.

4-2-4  POWERS OF THE COMMISSION. The Economic and Land Development Commission shall have the following powers, subject to prior Council approval:

(A) To develop an industrial park and to do all matters and things in connection therewith;
(B) To develop City-owned properties within the City limits and within five (5) miles of the City limits;
(C) To construct, acquire by gift or purchase, reconstruct, improve, better or extend in the Commission’s corporate capacity any industrial building within the City limits or partially within and partially without the City limits not exceeding five (5) miles from the City limits, and to acquire by gift or purchase lands or rights in connection therewith, in the name of the City;
(D) To cause to be sold, leased, rented, conveyed, transferred or donated any property acquired by the Commission;

(E) To employ such personnel as the Commission deems necessary (such as engineers, consultants, etc.);

(F) To promote, encourage and assist the City Council in the industrial, civic, economic, financial and commercial development of the City;

(G) To exercise any other such powers and authority reasonably necessary to accomplish the purposes of the Commission; and

(H) To pass bylaws not inconsistent with the provisions of this Chapter, and may provide for therein, but not be limited to, the following:

1. For regular meeting days;
2. For the removal of members for failing to attend regular meetings;
3. For the election of officers and establishment of committees;
4. For a method of voting and the number necessary for a quorum; and
5. For the procedure to amend the bylaws of the Commission.

4-2-5 **ANNUAL BUDGET.** The Economic and Land Development Commission shall submit to the Finance Committee of the City Council, on or before **April 1** of each year, its proposed yearly operating budget to be included in the budget for the City. The City Council shall determine the final yearly operating budget for the Commission. The Economic and Land Development Commission shall adhere to the requirements as outlined in the open meetings act.
ARTICLE III – HISTORIC PRESERVATION COMMISSION

4-3-1 PURPOSE. The purpose of this Article is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety and welfare of the people of the City by:

(A) Providing a mechanism to identify and preserve the historic and architectural characteristics of Staunton which represent elements of the City’s cultural, social, economic, political and architectural history;

(B) To promote civic pride in the beauty and noble accomplishments of the past as represented in Staunton’s landmarks and historic districts;

(C) Stabilizing and improving the economic vitality and value of Staunton’s landmarks and historic areas;

(D) Protecting and enhancing the attractiveness of the City to have buyers, visitors and shoppers and thereby supporting business, commerce, industry, and providing economic benefit to the City; and

(E) Fostering and encouraging preservation, restoration of structures, areas and neighborhoods and thereby preventing future urban blight.

4-3-2 COMMISSION ESTABLISHED; APPOINTMENT. The Staunton Historic Preservation Commission shall consist of seven (7) voting members, residents of the City, appointed by the Mayor and approved by the City Council. One (1) of the members shall be a member of the Main Street Design Committee. The remaining members shall be appointed on the basis of expertise, experience or interest in the area of architectural history, building construction or engineering, finance historical and architectural preservation, neighborhood organizing or real estate.

4-3-3 TERMS OF OFFICE. Members of the Commission shall be appointed for terms of three (3) years. Of those members first taking office, two (2) shall be appointed for one (1) year, three (3) for two (2) years, and two (2) for three (3) years. No members shall serve more than two (2) successive three (3) year terms. Alternate members shall be appointed to serve in the absence of or disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members shall serve without compensation.

4-3-4 OFFICERS. Officers shall consist of a chairman, vice-chairman, and a secretary elected by the Preservation Commission who shall serve a term of one (1) year and shall be eligible for re-election, but no members shall serve as an officer for more than two (2) consecutive years. The Chairman shall preside over meetings. In the absence of the
Chairman, the Vice-Chairman shall perform the duties of the Chairman. If both are absent, a temporary chairman shall be elected by those present. The Secretary of the Preservation Commission shall have the following duties:

(A) Take minutes of each Preservation Commission meeting;
(B) Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Preservation Commission to the members of the Preservation Commission;
(C) Give notice as provided herein or by law for all public hearings conducted by the Preservation Commission;
(D) Advise the Mayor of vacancies on the Preservation Commission and expiring terms of members; and
(E) Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on any matter requiring Council consideration.

4-3-5 **QUORUM.** A quorum shall consist of a majority of the members. All decisions or actions of the Historic Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Commission at the beginning of each calendar year or at any time upon the call of the Chairman. There shall be a minimum of **four (4) meetings** per year.

All meetings of the Preservation Commission shall be open to the public. The Preservation Commission keeps minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Preservation Commission and shall be a public record.

4-3-6 **RESPONSIBILITIES.** The responsibilities of the Preservation Commission shall be as follows:

(A) To adopt its own procedural regulations;
(B) To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas;
(C) To investigate and recommend to the City Council to adopt procedures to protect properties or structures having special historic, community, or architectural value;
(D) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of properties or structures which have special historic, community, or architectural value;
(E) To advise property owners on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places;
(F) To inform and educate the citizens of Staunton concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
(G) To accept and administer on behalf of the City, upon designation by the City Council, such gifts, grants and moneys as may be appropriate for the purpose of this Article;

(H) To call upon available City staff members as well as other experts for technical advice;

(I) To testify before all boards and commissions, including the Zoning Board of Appeals, on any matter affecting historically and architecturally significant properties; and

(J) To periodically review the Zoning Code and to recommend to the City Council any amendment appropriate for the protection and continued use of historically or architecturally significant properties.

4-3-7 CONDUCT SURVEY AND RESEARCH. The Historic Preservation Commission shall undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, sites, structures, and objects that historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Historic Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The Historic Preservation Commission shall identify significant structures based upon the following criteria:

(A) Architecturally or historically significant properties in one identifiable neighborhood or district geographical area of the City;

(B) Association with a particular person, event, or historical period;

(C) Representation of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman; and

(D) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey of all significant properties within the City.

(Ord. No. 1156; 12-13-99)
ARTICLE IV

POLICE PENSION BOARD

4-4-1 BOARD ESTABLISHED. Pursuant to the provisions of and as required by Article 3 of the Illinois Pension Code for municipalities with a population of five thousand (5,000) or more but less than five hundred thousand (500,000) inhabitants, a Police Pension Fund is established for the benefit of police officers of the Police Department and their surviving spouses, children and certain other dependents, as provided in the aforesaid Illinois Pension Code. (See 40 ILCS 5/3-101 et seq.)

4-4-2 TERMS. The terms used in this Article have the meanings ascribed to them in this Section:
   (A) “Board” means the Board of Trustees of the Police Pension Fund of the City of Staunton.
   (B) “Police Officer” means any person who:
       (1) is appointed to the police force of the police department and sworn and commissioned to perform police duties;
       (2) is found upon examination of a duly licensed physician or physicians selected by the Board to be physically and mentally fit to perform the duties of a police officer; and
       (3) within three (3) months after receiving his or her first appointment, and if reappointed within three (3) months thereafter, makes written application to the Board to come under the provisions of this Ordinance and Article 3 of the Illinois Pension Code.
   (C) “Salary” means the annual salary, including longevity, attached to the police officer’s rank, as established by the City’s appropriation ordinance, including any compensation for overtime which is included in the salary so established, but excluding any “overtime pay”, “holiday pay”, “bonus pay”, “merit pay”, or any other cash benefit not included in salary so established.

4-4-3 PENSION FUNDS. The Police Pension Fund shall consist of the following moneys which shall be set apart by the Treasurer of the City.
   (A) All moneys derived from the taxes levied under Article 3 of the Illinois Pension Code (See 40 ILCS 5/3-101 et seq.);
   (B) Contributions by police officers under 40 ILCS 5/3-125.1;
   (C) All moneys accumulated by the City under any previous legislation establishing a fund for the benefit of disabled or retired police officers;
4-4-4 **TAX LEVY.** The City Council shall annually levy and tax upon all the taxable property of the City at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to:

(A) the normal cost of the pension fund for the year involved, plus
(B) the amount necessary to amortize the fund’s unfounded accrued liabilities as provided by 40 ILCS 5/3-127.

The tax shall be levied and collected in the same manner as the general taxes of the City, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the City.

4-4-5 **EMPLOYEE CONTRIBUTION.** Each police officer shall contribute to the police pension fund 9.91 percent of his or her salary which shall be deducted monthly. However, the Chief of Police may elect to participate in the Illinois Municipal Retirement Fund rather than in the fund created under this Ordinance. Such election shall be irrevocable, and shall be filed in writing, with the Board.

4-4-6 **BOARD MEMBERSHIP.** A Board of five (5) members shall constitute a Board of Trustees to administer the Police Pension Fund and to designate the beneficiaries thereof. The Board shall be known as the “Board of Trustees of the Police Pension Fund of the City of Staunton”.

**Two (2) members** of the Board shall be appointed by the Mayor, one of whom shall serve for one (1) year beginning on the second (2nd) Tuesday in May after the Municipality comes within the provisions of Article 3 of the Illinois Pension Code. The other appointed member shall serve for two (2) years beginning on the same date. The successors to each of the foregoing trustees shall serve for two (2) years each or until their successors are appointed and qualified.

**Two (2) members** of the Board shall be elected from the active participants of the pension fund by such active participants. **One (1) member** of the Board shall be elected by and from the beneficiaries. The election of these Board members shall be held biennially on the third (3rd) Monday in April, at such place or places in the City of Staunton and under the Australian ballot system and such other regulations as shall be prescribed by the appointed members of the Board.
The active pension fund participants shall be entitled to vote only for the active participant members of the Board. All beneficiaries of legal age may vote only for the member chosen from among the beneficiaries. No person shall be entitled to cast more than one ballot at such election. The term of elected members shall be **two (2) years**, beginning on the **second (2nd) Tuesday** of the first May after the election. *(See 40 ILCS 5/3-101 et seq.)*

**4-4-7 VACANCIES AND RESIGNATIONS.** Upon the death, resignation, or inability to act of any elective Board member, his or her successor shall be elected for the unexpired term at a special election, to be called by the Board and conducted in the same manner as the regular biennial election.

**4-4-8 COMPENSATION.** Members of the Board shall neither receive nor have any right to receive any salary from the pension fund for services performed as trustees in that office.

**4-4-9 QUARTERLY MEETINGS.** The Board shall hold annually regular quarterly meetings in July, October, January and April, and special meetings as called by the President.

At the regular July meeting, the Board shall select from its member a president, vice-president, secretary, and assistant secretary to serve for **one (1) year** and until their respective successors are elected and qualified.

**4-4-10 VICE-PRESIDENT'S DUTIES.** The Vice-President shall perform the duties of president during any vacancy in that office, or during the president’s absence from the City, or if he or she is by reason of illness or other causes unable to perform the duties of the office.

The assistant secretary shall act for the secretary whenever necessary to discharge the functions of such office.

**4-4-11 POWERS AND DUTIES.** The Board shall have the powers and duties provided under Article 3 of the Illinois Pension Code, including those powers and duties stated in **40 ILCS 5/3-132 through 5/3-140.1** of said Code.

**4-4-12 ANNUAL STATEMENTS.** On the **second (2nd) Tuesday** in May annually, the Treasurer and all other officials of the City who had the custody of any pension funds herein provided, shall make a sworn statement to the Pension Board, and to the Mayor
and City Council of all moneys received and paid out by them on account of the pension fund during the year, and of the amount of funds then on hand and owing to the pension fund. All surplus then remaining with any official other than the Treasurer shall be paid to the Treasurer of the City. Upon demand of the Pension Board, any official shall furnish a statement relative to the official method of collection or handling of the pension funds. All books and records of that official shall be produced at any time by him for examination and inspection by the Board.

4-4-13 REPORT TO CITY COUNCIL. The Board shall report to the City Council on the condition of the pension fund. The report shall be made prior to the City Council meeting held for the levying of taxes for the year for which the report is made. The Board shall certify:

(A) the assets in its custody at such time;
(B) the estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from all other sources; and
(C) the estimated amount required during said calendar year to:
   (1) pay all pensions and other obligations provided in this Article and in Article 3 of the Illinois Pension Code; and
   (2) to meet the annual requirements of the fund as provided in Section 4-3-4 hereinabove.

4-4-14 ILLINOIS PENSION CODE ADOPTED. Article 3 of the Illinois Pension Code is incorporated by reference herein. In case of any conflict between this Code and said Article, the applicable provisions of said Article shall control, and as said Code is amended from time to time, the provisions hereof, insofar as any variance may develop therefrom, if any, shall automatically be construed so as to conform therewith. (See 40 ILCS 5/3-101 et seq.)

(Ord. No. 1190; 12-10-01)
ARTICLE V

BOARD OF POLICE COMMISSIONERS

4-5-1  BOARD ESTABLISHED. Pursuant to the provisions of and as required by Division 2.1 of Article 10 of the Illinois Municipal Code for municipalities with a population of five thousand (5,000) and not more than two hundred fifty thousand (250,000), a Board of Police Commissioners consisting of three (3) persons is established for the City. (See 65 ILCS 5/10-2.1-1 et seq.)

4-5-2  APPOINTMENT. Within thirty (30) days after this Article becomes effective, the Mayor shall appoint the first members of the Board of Police Commissioners. One of the members shall be appointed to serve until the end of the then current municipal year, another to serve until the end of the municipal year next ensuing, and the third to serve until the municipal year second next ensuing. Every member shall serve until his successor is appointed and has qualified.

4-5-3  TERM OF OFFICE. Subsequent appointments to the Board of Police Commissioners shall be made by the Mayor with the advice and consent of the City Council. Subsequent appointments shall be for a term of three (3) years and until their respective successors are appointed and have qualified. No such appointment, however, shall be made by any Mayor within thirty (30) days before the expiration of his term of office.

4-5-4  CHAIRMAN ELECTED. The members of the Board of Police Commissioners shall elect a Chairman to serve during the municipal fiscal year.

4-5-5  QUORUM. A majority of the Board of Police Commissioners shall constitute a quorum for the conduct of all business.

4-5-6  OATH AND BOND. The members of the Board shall be considered officers of the City and shall file an oath and a fidelity bond in such amount as may be required by the governing body of the City.

4-5-7  CONFLICTING OFFICES. No person holding an office of the City shall be a member of the Board of Fire and Police Commissioners or the secretary thereof. The acceptance of any such office by a member of the Board shall be treated as a resignation
of his office as a member of the Board of Police Commissioners or the secretary thereof. No person shall be appointed a member of the Board of Police Commissioners who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the City. No more than two (2) members of the Board shall belong to the same political party existing in the City at the time of such appointments and as defined in Section 10-2 of the Election Code, 10 ILCS 5/10-2. If only one or no political party exists in the City at the time of such appointments, then state or national political party affiliation shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed as member of the Board.

4-5-8 **REMOVAL FROM OFFICE.** Members shall not be subject to removal, except for cause, upon written charges and after an opportunity to be heard within thirty (30) days their own defense, before a regular meeting of the City Council. A majority vote of the elected members of the City Council shall be required to remove any such member from office.

4-5-9 **EMPLOYMENT OF SECRETARY.** The Board shall designate one of its own members to act as secretary. The secretary:

(A) shall keep the minutes of the Board proceedings,
(B) shall be the custodian of all records pertaining the business of the Board,
(C) shall keep a record of all examinations held,
(D) shall perform all other duties the Board prescribes and
(E) shall be custodian of the seal of the Board, if one is adopted, and the Board is hereby authorized to adopt an official seal and to prescribe the form thereof by resolution of the Board.

4-5-10 **POWERS OF BOARD.** The Board of Police Commissioners shall have the powers set forth in Division 2.1 of Article 10 of the Illinois Compiled Statutes (65 ILCS 5/10-2.1-1 et seq.) including the following:

(A) to appoint all officers and members of the police department, except the Chief of Police;
(B) to discipline, suspend, remove, or discharge officers and members of the police department, except the Chief of Police;
(C) to conduct hearings on charges brought against a member of the police department, except the Chief of Police.

Nothing in this Section shall be construed to prevent the Chief of Police from suspending, without pay, a member of the police department for a period of not more than five (5) calendar days, which right is hereby granted to the Chief of Police.

Notice of any such suspension shall be given to the Board of Police Commissioners and shall be subject to review as provided in 65 ILCS 5/10-2.17.
4-5-11 APPOINTMENT OF CHIEF. The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council and may be removed or discharged by the Mayor upon confirmation by the City Council as set forth in 65 ILCS 5/10-2.1-4. All other full-time police officers shall be appointed, promoted, removed or discharged in the manner provided in Division 2.1 of Article 10 of the Illinois Municipal Code. (See 65 ILCS 5/10-2.1-1 et seq.)

4-5-12 ADOPTION OF RULES AND REGULATIONS. The Board of Police Commissioners shall adopt and publish rules and regulations to carry out the purpose of Division 2.1 of Article 10 of the Illinois Municipal Code and to govern appointments and removals in accordance with the provisions of said statute. Such rules and regulations shall be adopted according to the procedure required by 65 ILCS 5/10-2.1-5. The Board of Police Commissioners, from time to time, may revise such rules and regulations in the same manner as for the adoption of the original rules and regulations. No such rule or regulation shall be made by the Board of Police Commissioners to govern the operation of the police department or the conduct of its members.

4-5-13 CITY ATTORNEY REPRESENTS BOARD. The City Attorney shall represent the Board and shall handle prosecutions before the Board.

4-5-14 APPLICATION OF LAW. This Article shall apply only to full-time policemen of the City and not to any other personnel of any kind or description.

4-5-15 STATUTES ADOPTED. Division 2.1 of Article 10 of the Illinois Municipal Code, as amended, (65 ILCS 5/10-2.1-1 et seq.), is hereby incorporated in and made part of this law the same as if recited herein verbatim. In case of any conflict between the provisions of this Article and said Division, said Division shall control. If and as said Division is amended, from time to time, the provisions of this Article in conflict with said Division as a result of said amendment, shall be construed as having been amended by the Amendment to the Division and shall be read, construed and applied in accordance with the provisions of said Amended Division. (See 65 ILCS 5/10-2.1-1 et seq.)

(Ord. No. 1191; 12-10-01)
CHAPTER 6
BUILDINGS
ARTICLE I - DANGEROUS BUILDINGS

6-1-1 DEFINITIONS. The term “dangerous building” as used in this Article, is hereby defined to mean and include:
(A) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or of neighboring structures.
(B) Any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire, and constitutes or creates a fire hazard.
(C) Any building, shed, fence, or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure.
(D) Any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in the City is hereby declared to be a nuisance.

6-1-2 PROHIBITION. It shall be unlawful to maintain or permit the existence of any dangerous building in the City; and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

6-1-3 ABATEMENT. Whenever the Mayor or his designated representative, or any other authorized officer of the City shall be of the opinion that any building or structure in the City is a dangerous building, he shall file a written statement to this effect with the Police Department. The Police Chief or his designated representative shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. Such notices shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice shall be served upon the proper parties not less than fifteen (15) days before the City shall file application with the County Circuit Court for an order authorizing the demolition or repair of said building. Such notice may be in the following terms:
You must remedy this condition or demolish the building immediately within **fifteen (15) days** from the date of this notice or the City will proceed to do so.

In the event that the building is not demolished or repaired or altered within the **fifteen (15) day** period of time elapsing from the date of the service of notice, then the City shall institute application before the County Circuit Court requesting an order authorizing the demolition, alteration, or repair of said building premises and the cost of such entailments shall be recovered from the owner or owners of such real estate and shall be a lien thereon.

6-1-4 LIEN. Charges for demolishing, repairing or altering of such building shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expense thereof incurred by the City shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.
(B) The amount of money representing the costs and expenses incurred or payable for the service.
(C) The date or dates when said costs and expenses were incurred or payable for the service by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

6-1-5 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

6-1-6 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for **sixty (60) days**.
ARTICLE II - BUILDING AS NUISANCE

6-2-1  **BUILDING CONDITION - NUISANCE.** The Mayor or his designated representative shall report to the City Council when any building in the City is in a dangerous condition and constitutes a nuisance.

6-2-2  **TIME LIMIT.** The owner of such building shall repair or alter it so as to make it safe within **ninety (90) days** from the time the notice is served upon him in the manner provided by law.

6-2-3  **NOTIFICATION.** The Mayor or his designated representative shall place a notice on all "dangerous and unsafe buildings", which notice shall read as follows:

"This building has been found to be a dangerous and unsafe building by the Mayor. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

6-2-4  **DANGEROUS AND UNSAFE BUILDINGS DEFINED.** All buildings or structures which have any or all of the following defects shall be deemed "dangerous and unsafe buildings".

(A)  Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B)  Those which, exclusive of the foundation, show **thirty-one percent (31%)** or more of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C)  Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D)  Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of this City.
(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

(J) Those buildings existing in violation of any provisions of the Building Code of this City, or any provision of the Fire Prevention Code, or other ordinances of the City.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

6-2-5 STANDARDS FOR REPAIR, VACATION OR DEMOLITION. The following standards shall be followed in substance by the Mayor or his authorized representative in ordering repair, vacation or demolition:

(A) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the "dangerous and unsafe building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a "dangerous and unsafe building" is fifty percent (50%) damaged, decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a "dangerous and unsafe building" is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the City, or statute of the State of Illinois, it shall be demolished. (See “Nonconforming Uses” of the Zoning Code)

6-2-6 DANGEROUS AND UNSAFE BUILDINGS - NUISANCES. All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.
6-2-7 **DUTIES OF THE ATTORNEY.** The City Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Mayor or his authorized representative.

6-2-8 **LIENS.** The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within **sixty (60) days** after said cost and expense is incurred, the City or person performing the service by authority of the City, in his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

(A) A description of the real estate sufficient for identification thereof;
(B) The amount of money representing the cost and expense incurred or payable for the service; and
(C) The date or dates when said cost and expense was incurred by the City.

Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the City or persons in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within **three (3) years** after the date of filing notice of lien.

*(See 65 ILCS 5/11-31-1)*
ARTICLE III - BUILDING OPERATIONS

6-3-1 USE OF STREETS. The use of streets for the storage of materials in the process of construction or alteration of a building may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than eighteen (18) feet; provided that no portion of the street other than that directly abutting on the premises on which work is being done shall be used except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file with the City Clerk a bond with corporate sureties to be approved by the City Council, to indemnify the City for any loss or damage which may be incurred by it by reason of such use and occupation.

6-3-2 NIGHT OPERATIONS IN RESIDENCE DISTRICTS. It shall be unlawful to conduct construction operations between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. in any place where a majority of the premises within a radius of four hundred (400) feet is used in part or exclusively for residence purposes.

6-3-3 SIDEWALKS. No sidewalk shall be obstructed in the court of building, construction or alteration without a special permit from the Mayor or his authorized representative being first obtained.

6-3-4 SAFEGUARDS. It shall be the duty of the person doing any construction, altering or wrecking work in the City to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed wherever there is a danger to pedestrians from falling articles or materials. (See Chapter 33 – Streets for additional requirements.)

ARTICLE IV – CITY FARMLAND

6-4-1 APPLICATION TO FARM. Anyone desiring to farm any tillable farmland owned by the City shall make application before September 4th, every other year with the City Clerk. The Public Grounds and Building Committee shall review all applications and make recommendations to the full Council regarding the applications.

6-4-2 TERM OF AGREEMENT. All agreements made by the Public Grounds and Building Committee on behalf of the City and any farmer for the farming of any farmland, shall be for a term not exceeding two (2) years from the date of agreement. The successful applicant shall be required to execute a Farm Lease Agreement consistent with this Article.

(Ord. No. 1127; 08-24-98)
ARTICLE V - LIFE SAFETY CODE

6-5-1 ADOPTION. In accordance with the requirements of the Office of the State Fire Marshal, the 2000 Edition of the National Fire Protection Association’s Life Safety Code is hereby adopted by the City as the minimum fire safety standard for all occupancies (excluding one and two family dwellings and public schools) in the City.

(Ord. No. 1468; 12-22-08)
CHAPTER 7
BUSINESS CODE

ARTICLE I - ADMINISTRATION

7-1-1 APPLICATIONS.
(A) Applications for all licenses and permits required by this Chapter shall be made in writing to the Municipal Clerk in the absence of provision to the contrary.

(B) Each application shall contain:
1. the name of the applicant;
2. the permit or license desired;
3. the location to be used, if any;
4. Zoning district, if any;
5. the time covered;
6. the fee to be paid; and
7. Social Security Number;
8. Federal Employment Identification Number;
9. address and phone number;
10. driver’s license number; and
11. photo identification.

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

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

7-1-3 FORM OF LICENSE. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.
7-1-4 INVESTIGATIONS.

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

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

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

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

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

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

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

7-1-5 FEES. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefore is made to the Clerk in the amounts prescribed by the corporate authorities. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee, nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity. The one-time license fee for new and existing businesses holding a valid City of Staunton business license shall be **Twenty-Five Dollars ($25.00)**. For all new applicants for a business
license, an additional one-time fee in an amount representing the greater of either Fifty Dollars ($50.00), or the amount charged by the Illinois State Police to perform background checks, shall be added to the license permit application.  (Ord. No. 1328; 02-27-06)

7-1-6 TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this municipality shall commence on January 1st of each year and shall terminate on December 31st of the same year, where no provision to the contrary is made. The Clerk shall notify all licensees of this municipality of the time of expiration of the license held by the licensee (if an annual), three (3) weeks prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new license or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

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

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

7-1-9 LOCATION. No license for the operation of a business or establishment in this municipality shall be construed to permit the operation of a licensed business or establishment in more than one (1) location in this municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.
**7-1-10 NUISANCES PROHIBITED.**

**7-1-10.1 GENERALY.** No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.

[ED. NOTE: The County Health Department should be advised of any suspected violations.]

**7-1-10.2 UNSAFE OR UNHEALTHFUL BUSINESS.**

(A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.

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

**7-1-10.3 REFUSE DISPOSAL.**

(A) **Refuse Containers.** The standard refuse container required by this Code shall be a receptacle of not less than twenty (20), nor more than thirty-two (32) gallons capacity, constructed of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

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

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

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

(D) **Removal of Restaurant Garbage.** Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than thirty-two (32) gallons of refuse, is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.
7-1-11    **WORKING CONDITIONS.**

7-1-11.1 **HEALTH REQUIREMENTS.** No owner, lessee, manager, or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place or any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

7-1-11.2 **SANITATION.** All such places of employment shall be kept in a clean condition, free from effluvia of a sewer, drain, privy, stable or other nuisance(s); also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

7-1-11.3 **HEAT REQUIRED.**
(A) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop to maintain a temperature within such factory or workshop of not less than **sixty-two degrees Fahrenheit (62 F.)** without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than **sixty-two degrees Fahrenheit (62 F.)** is necessary or expedient for the work or manufacturing processes of such business.

(B) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not less than **sixty-two degrees Fahrenheit (62 F.)**, without such undue restriction of ventilation as to interfere with proper sanitary conditions therein between the hours of **8:00 A.M. and 6:00 P.M. from October 1st of each year until June 1st of the succeeding year [Sundays and legal holidays excepted].**

7-1-11.4 **INSPECTION.** The Mayor or the Chief of Police shall visit or cause to be visited all places of employment in this municipality as often as they shall deem necessary to assure compliance with the provisions of this section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

7-1-12 **INSPECTIONS.**
(A) Whenever inspections of the premises for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation
of this municipality, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of this municipality who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of this municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.

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

**7-1-13 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

**7-1-13.1 NUISANCE.** When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

**7-1-13.2 HEARING.** Within eight (8) days after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

**7-1-13.3 REVOCATION.** Licenses and permits issued in this municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in Subsections 7-1-13.4 and 7-1-13.5 of this Section for any of the following causes:

(A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;

(B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

(C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
(D) Failure of the licensee or permittee to pay any fine or penalty owed to this municipality;
(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in Section 7-1-12.

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

7-1-13.4 **HEARING NOTICE.** Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least five (5) days prior to the date set for the hearing.

7-1-13.5 **COUNSEL.** At the hearing, the attorney for the municipality shall present the complaint and shall represent the municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

7-1-14 **APPEAL.** Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in Section 7-1-4 or in connection with the revocation of a license or permit as provided in Section 7-1-13 shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Mayor shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section 7-1-13 hereof. The decision of the City Council on such appeal shall be final.

7-1-15 **LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in this municipality to keep his license posted in a prominent place on the premises used for such business at all times.

7-1-16 **BUSINESS VEHICLE STICKER.** Whenever the number of vehicles used is the basis in whole or in part for a license fee, the Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each business vehicle.
ARTICLE II - SOLICITORS

7-2-1 DEFINITIONS. For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

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

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

“SOLICITING” shall mean and include any one (1) or more of the following activities:
   (A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;
   (B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character or;
   (C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;
   (D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

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

7-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION. Applications for a Certificate of Registration shall be made upon a form provided by the City Clerk of this municipality and filed with such Clerk. The applicant shall truthfully state in full the information requested on the application, to-wit:
   (A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, all information required in Section 7-1-1 of this Code.
   (B) Address of place of residence during the past three (3) years if other than present address.
   (C) Age of applicant and marital status; and if married, the name of spouse.
(D) Physical description of the applicant and the date of birth.
(E) Name and address of the person, firm or corporation or association
with whom the applicant is employed or represents; and the length of time of such
employment or representation.
(F) Name and address of employer during the past three (3) years if
other than the present employer.
(G) Description sufficient for identification of the subject matter of the
soliciting in which the applicant will engage.
(H) Period of time for which the Certificate is applied.
(I) The date or approximate date of the latest previous application for
a Certificate under this Chapter, if any.
(J) Has a Certificate of Registration issued to the applicant under this
Chapter ever been revoked?
(K) Has the applicant ever been convicted of a violation of any of the
provisions of this Code or the regulations of any other Illinois municipality regulating
soliciting?
(L) Has the applicant ever been convicted of the commission of a
felony under the laws of the State of Illinois or any other State or Federal law of the
United States?
(M) The last three (3) municipalities where the applicant carried on
business immediately preceding the date of application in this municipality and the
address from which such business was conducted in those municipalities.
(N) Also, such additional information as the Chief of Police may deem
necessary to process the application.

All statements made by the applicant upon the application or in connection
therewith shall be under oath.

The City Clerk shall cause to be kept in his office an accurate record of every
application received and acted upon, together with all other information and data
pertaining thereto and all Certificates of Registration issued under the provisions of this
Chapter and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed,
and every Certificate issued and any renewal thereof shall be identified with the duplicate
number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted
of the commission of a felony under the laws of the State of Illinois or any other State or
Federal law of the United States of the date of the application; nor to any person who has
been convicted of a violation of any of the provisions of this Chapter, nor to any person
whose Certificate of Registration issued hereunder has previously been revoked as herein
provided. Any person ever convicted of a felony shall not be issued a license.

7-2-4 ISSUANCE AND REVOCATION OF CERTIFICATE. The Mayor,
after consideration of the application and all information obtained relative thereto, shall
deny the application if the applicant does not possess the qualifications for such Certificate as
herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Mayor upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith. City officials shall have two (2) days to gather the necessary information to determine if the applicant is qualified.

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

The Certificate of Registration shall state the expiration date thereof.

7-2-5 POLICY ON SOLICITING. It is declared to be the policy of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences. All solicitors shall be registered with the City.

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

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

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

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

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

(D) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.
**7-2-7** **COMPLIANCE BY SOLICITORS.** It is the duty of every solicitor upon going onto any premises in this municipality upon which a residence as herein defined is located to first examine the notice provided for in Section 7-2-6 if any is attached and be governed by the statement contained on the notice.

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

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

**7-2-8** **UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 7-2-6. If a resident requests a copy of the solicitor’s application it shall be presented when requested.

**7-2-9** **TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 9:00 A.M. or after 4:00 P.M. of any weekday or at any time on a Sunday or on a State or National holiday.

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

- **(A)** The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor," approved July 26, 1963, as amended.
- **(B)** Solicit only at intersections where all traffic from all directions is required to come to a full stop.
- **(C)** Be engaged in a state-wide fund-raising activity.
- **(D)** Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.
Any person so engaged in such solicitation shall be at least sixteen (16) years of age and shall wear a high visibility vest.

Solicit only during daylight hours.

Any one charitable organization shall be limited to conducting no more than two (2) solicitations per calendar year.

(See 626 ILCS Sec. 5/11-1006)

7-2-11 **Fees.** Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

(A) **Daily License:** $50.00 per day per company.

(B) **Annual License:** $100.00 per company per year.

(See 65 ILCS Sec. 5/11-42-5)
ARTICLE III - PEDDLERS

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

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

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

(A) Name and physical description of applicant and all information required in Section 7-1-1 of this Code.

(B) Permanent home and address and local address if operating from such an address.

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

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

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

(F) Evidence that the agent is acting on behalf of the corporation he represents.

(G) Statement of the applicant's criminal record other than a traffic record.

(H) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application to this municipality and the address from which such business was conducted in those municipalities.

7-3-4 INVESTIGATION OF APPLICANTS. Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.
7-3-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a
nuisance for any person, whether registered under this Code or not, to engage in
peddling as herein defined prior to **9:00 A.M.** or after **4:00 P.M.** of any weekday or at
any time on a Sunday or on a State or National holiday.

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

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

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

7-3-9 **PEDDLERS AS NUISANCE.** The practice of going in and upon
private residences, business establishments or offices in the municipality by solicitors,
peddlers, hawkers, itinerant merchants and transient vendors of merchandise without
having been requested or invited to do so by the owner or owners, occupant or occupants
of said private residences and business establishments or offices for the purpose of
disposing of and/or peddling or hawking of merchandise is hereby declared to be a
nuisance and is punishable as a violation of this Code. No person shall peddle in a public
square.

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

7-3-11 **EXCLUSION OF MERCHANTS AND FARMERS.** The provisions of
this Article shall not apply to persons employed or representing an established merchant,
business firm, or corporation located and regularly doing business in the municipality or to
farmers selling any food items raised or produced by themselves and/or to permanently
established residents who are voters in the municipality or anyone duly licensed.
7-3-12  FEES. The license fees per company to be charged for licenses to peddle in this municipality, each payable in advance, are hereby fixed and established as follows:

(A)  **Daily License:**  $50.00 per company per day

(B)  **Annual License:**  $100.00 per company per year

(See 65 ILCS Sec. 5/11-42-5)
ARTICLE IV - COIN-OPERATED MACHINES

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

“COIN-OPERATED AMUSEMENT DEVICE” means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pin-ball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features. The term also does not include “Video Gaming Terminals” as those machines are defined by the Illinois Video Gaming Act. (Ord. No. 1505; 11-23-09)

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

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

7-4-2  LICENSE REQUIRED. No person, firm or corporation shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this municipality without having first obtained the proper license therefor.

7-4-3  APPLICATION. In addition to the information required in Section 7-1-1, an application for license shall be verified by oath or affidavit and contain the following information:

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

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

(C) The address of the place where the applicant proposes to operate.
(D) A statement whether the applicant has made a similar application for a similar license on premises other than those described in the application and the disposition of such other application.

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

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

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

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

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

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

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

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

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

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

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

(B) The license period shall be from July 1 through June 30 of each licensing year, and all applications for renewal shall be made to the Clerk not more than thirty (30) days, but no less than fifteen (15) days prior to the expiration of such license.

(Ord. No. 1513A; 01-25-10)

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

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

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

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

7-4-8  **DISPLAY OF LICENSE.** Every licensee shall frame and hang his license in a conspicuous place in the licensed premises in the event that the City issues licenses in such format. To the extent that the City issues licenses pursuant to this Code Provision in a sticker format, said stickers shall be conspicuously attached to each separate coin operated amusement device licensed in accordance with this Chapter.  
*(Ord. No. 1513A; 01-25-10)*

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

7-4-10  **CLOSING HOURS.** No establishment operating under a license issued under this Article shall conform to established hours (i.e. taverns, etc.)

*(See 65 ILCS Sec. 5/11-55-1)*
ARTICLE V - JUNK DEALERS

7-5-1 DEFINITIONS.

“JUNK” as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than one (1) gross, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than ninety (90) days, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one (1) or more of the materials or articles herein mentioned.

“JUNK DEALER” as used in this Chapter shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this section defined as "junk".

“JUNK YARD” as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this section defined as "junk" (Also see Chapter 24, Article IV and Chapter 25, Articles I and III)

7-5-2 LICENSE REQUIRED. It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the City without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

7-5-3 APPLICATION. Before any license under the provisions of this Section is issued, any person desiring to operate a junk yard in this City shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of seven feet (7'), measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm of
partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

7-5-4  **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

(A) Not a person of good character.
(B) Falsification of an application for a license hereunder.
(C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months.**
(D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-5-2** hereof.

7-5-5  **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

Such license shall further provide that it is issued subject to all the provisions of this Chapter; that upon the first conviction for a violation of any of the provisions of this Chapter, in addition to the fine, such junk yard shall remain closed for a period of **thirty (30) days;** that upon the second conviction for a violation of any of the provisions of this Chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this section and all amendments thereto.

7-5-6  **LICENSE FEE.** The annual license fee for each junk yard shall be **Two Hundred Dollars ($200.00)** payable in advance with the filing of the application for license, and shall not be subject to prorata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the City, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the City, the annual fee shall be **Two Hundred Dollars ($200.00)** for each junk dealer. The fee is payable as provided in this Code.

7-5-7  **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

*(See 65 ILCS Sec. 5/11-42-3)*
ARTICLE VI - RAFFLE CODE

7-6-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Code in the sense given them in the following definitions:

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

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

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

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

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

7-6-2 ADMINISTRATION. The Mayor is hereby charged with the administration of the appropriate provisions of this Code, and may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided, including, but not limited to, the members of his staff, the City Attorney, the City Clerk, and the Chief of Police. (See 230 ILCS Sec. 15/2)

7-6-3 LICENSE REQUIRED. No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of this City without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the Illinois Compiled Statutes. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objectives or to a nonprofit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. (See 230 ILCS Sec. 15/2)
(A) The above mentioned types of organizations shall be defined pursuant to the Illinois Compiled Statutes and incorporated herein;

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

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

(Ord. No. 1921; 12-11-17)

7-6-4 APPLICATIONS FOR LICENSE. The Mayor is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets within the limits and territory of the City upon the conditions and in the manner provided by this Code and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the City Clerk with the seal of his office affixed thereto.

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

(A) The name and address of the organization;
(B) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
(C) The length of time the organization has continually existed immediately before making application for a license;
(D) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
(E) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;
(F) The amount that the organization plans to charge for each raffle chance issued or sold;
(G) The time and location where the raffle is to be held;
(H) The purpose for which the proceeds of the raffle will be used;
(I) The name and address of the person conducting and performing the raffle, and his relationship with the organization;
(J) The last date which the applicant has applied for a raffle license;
(K) The area in which the organization plans to sell or issue its raffle chances;
(L) Whether or not the applicant has ever been convicted of a felony.
7-6-5 **APPLICATION: ISSUANCE.** All licenses issued by the Mayor or City Clerk are subject to the following restrictions:

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

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

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

(D) The Mayor shall act upon a license application within thirty (30) days from the date of application.

(E) The application for license shall be prepared in accordance with this Code.

(F) A license authorizes the licensee to conduct raffles as defined in this Code. (See 230 ILCS Sec- 15/3)

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

(A) Any person who has been convicted of a felony.

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not of good moral character;

(D) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;

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

(F) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Code. (See 230 ILCS Sec. 15/3)

7-6-7 **RESTRICTIONS ON THE CONDUCT OF RAFFLES.**

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

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

(C) No person may receive any remuneration or profit for participating in the management or operation of the raffle;
A licensee may rent a premises on which to determine a winning chance or chances in a raffle only from an organization which has also been licensed under the Raffle Act;

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;

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

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

7-6-8 RECORDS.

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

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

Each organization licensed to conduct raffles shall issue a report within one (1) month of the conclusion of the raffle, to its membership and the City, and provide the following information related to the raffle which concluded: gross receipts; expenses and net proceeds from raffle; distribution of net proceeds required by this section. (Ord. No. 1921; 12-11-17)

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

7-6-9 TERM AND FEES.

The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed Two Million Dollars ($2,000,000.00); (Ord. No. 1915; 11-13-17)
(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed Two Million Dollars ($2,000,000.00); (Ord. No. 1915; 11-13-17)

(C) The maximum price which may be charged for each raffle chance issued or sold shall not exceed One Hundred Dollars ($100.00); (Ord. No. 1305; 09-26-05)

(D) The maximum number of days during which chances may be issued or sold shall not exceed three hundred sixty-five (365) days; (Ord. No. 1928; 03-26-18)

(E) Licenses issued pursuant to this Article shall be valid for one (1) raffle and may be suspended or revoked for any violation of this Article;

7-6-10 LIMITED CONSTRUCTION. Nothing in this Code shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

ED. NOTE: Political committees are required by Chapter 230, Sec. 15/8.1 to secure raffle licenses from the State Board of Elections.

(See 230 ILCS Sec. 15/2)
ARTICLE VII - SPECIAL BUSINESS SALES

7-7-1 DEFINITIONS. Terms used in this Article have the following meanings:

“GOING OUT OF BUSINESS SALE”. Any sale, whether described by such name or by any other name (such as, but not limited to "closing out sale", "liquidation sale", "lost our lease sale", "forced to vacate sale"), held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and be discontinued at the premises where the sale is conducted.

“GOODS”. All goods, wares, merchandise and other personal property, except choses in action and money.

“REMOVAL SALE”. Any sale held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and be discontinued at the premises where the sale is conducted, and thereafter will be moved to and occupy another location.

7-7-2 EXCEPTIONS. This Article does not apply to any sales ordered by any court or referee in bankruptcy; or to any person acting under the direction and supervision of state or federal courts in the course of their official duties; or to sales by a person regularly engaged in insurance or salvage sales of goods; or to the sale of goods which have been damaged by fire, smoke, water or otherwise and acquired for the account of others as a result of fire or other casualty.

7-7-3 LICENSE. No person shall directly or indirectly advertise, represent or hold out to the public that any sale of goods is an insurance, salvage, removal, going out of business, insolvent's, assignee's, or creditor's sale of goods, or that it is a sale of goods which have been damaged by fire, smoke, water or otherwise and acquired for the account of others as a result of such descriptive names.

7-7-4 APPLICATION FOR LICENSE. Any applicant for a license under this Article shall file an application in writing and under oath with the City Clerk setting out the following information:

(A) The name and address of the applicant for the license, who must be the owner of the goods to be sold, and in addition, if the applicant is a partnership, corporation, firm or association, the name and position of the individual filing the application.

(B) The name and style in which such sale is to be conducted, and the address where such sale is to be conducted.

(C) The dates and period of time during which the sales is to be conducted.
The name and address of the person who will be in charge of and responsible for the conduct of such sale.

A full explanation with regard to the condition or necessity which is the occasion for such sale, including a statement of the descriptive name of the sale and the reasons why such name is truthfully descriptive of the sale. If the application is for a license to conduct a going out of business sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale. If the application is for a license to conduct a removal sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale, in addition to the location of the premises to which the business is to be moved. If the application is for a license to conduct a sale of goods damaged by fire, smoke, water or otherwise, it shall also contain a statement as to the time, location and cause of such fire.

A full, detailed inventory of the goods that are to be sold. The inventory shall itemize the goods to be sold and contain sufficient information concerning each item, including make and brand name, if any, to clearly identify it; list separately any goods which were purchased during a sixty (60) day period immediately prior to the date of making application for the license; and show the cost price of each item in the inventory together with the name and address of the seller of the item to the applicant, the date of the purchase, the date of the delivery of each item to the applicant and the total value of the inventory at cost.

A statement that no goods will be added to the inventory after the application is made or during the sale and that the inventory contains no goods received on consignment.

**7-7-5 ISSUANCE OF LICENSE.** The City Clerk, upon receipt of an application for a license under this Article and a license fee of Twenty-Five Dollars ($25.00) shall issue a license to the applicant authorizing him to advertise, and to sell the particular goods so inventoried at the time and place stated in the application and in accordance with the provisions of this Article. The license shall be issued in duplicate and shall bear a number and the date of its expiration. The license may not be transferred or assigned. If a licensee is engaged in business in other locations, advertising or offering of goods on behalf of such locations shall not represent or imply any participation in or cooperation with the sale on the premises specified in the license, nor shall any advertising or any other offering of goods on behalf of the premises where the licensed sale is being conducted represent or imply any participation in or cooperation with such sale at other locations.

**7-7-6 RESTRICTIONS ON LICENSES.**

(A) No license under this Article shall be issued to any person:

(1) to conduct a sale in the trade name or style of a person in whose goods the applicant has acquired a right or title thereto within six (6) months prior to the time of making application for such license; or
(2) to continue a sale in the name of a licensee in whose goods such person acquired a right or title while such a sale is in progress; or

(3) to conduct a sale, other than an insurance sale, salvage sale or a sale of damaged goods, on the same premises within one (1) year from the conclusion of a prior sale of the nature covered by this Article.

(B) This Section does not apply to any person who acquired a right, title or interest in goods as an heir, devisee or legatee or pursuant to an order of process of a court of competent jurisdiction.

7-7-7 RECORD OF APPLICATION. The City Clerk, upon issuing a license under this Article shall endorse upon the application the date of its filing and shall preserve it, and the inventory attached to it, as a public record of his office. He shall make a notation of it in a book to be kept for that purpose, properly indexed, showing the name of the applicant, the date of the application, the descriptive name of the proposed sale, the place where such sale is to be conducted, its duration, the date of the license issued thereon, and the total value of the goods thus to be sold. A copy of the inventory shall be available for public inspection in the office of the City Clerk.

7-7-8 SALES AT BANKRUPT. No person shall advertise or represent for sale, or sell any goods at a bankruptcy, executor's, administrator's receiver's or trustee's sale except pursuant to and in compliance with federal or state statutory authority or judicial process, or as an assignee's or insolvent's sale unless there is a bona fide assignment for the benefit of creditors.

7-7-9 TERM OF LICENSE; RENEWAL. A license issued under this Article shall be valid for a period of not more than sixty (60) days from the start of the sale, but may be renewed once only for a period not to exceed thirty (30) days upon affidavit of the licensee that the goods listed in the inventory have not been disposed of and that no additional goods have been or will be added to the inventory previously filed. The application for renewal shall be made not more than fourteen (14) days prior to the time of the expiration of the license and shall contain a new inventory of the goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory. No renewal shall be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license. An additional license fee of Twenty-Five Dollars ($25.00) shall be paid for the renewal of a license.
7-7-10 **POSTING INVENTORY AND LICENSE.** A copy of the application for a license under this Article including the inventory filed therewith, shall be posted in a conspicuous place in the sales room or place where the inventoried goods are to be sold so that the public may be informed of the facts relating to the goods before purchasing same. Such copy need not show the purchase price of the goods. The duplicate copy of the license issued shall be attached to the front door of the premises where the sale is conducted in such a manner that it is clearly visible from the street. Any advertisement or announcement published in connection with the sale shall conspicuously show on its face the number of the license and the date of its expiration.

7-7-11 **SUBSTITUTION, ADDITION AND COMMINGLING OF GOODS.**

(A) A person conducting a sale licensed under this Article shall not substitute for or add to the goods described in the inventory filed. In the case of a sale of goods damaged by fire, smoke, water or otherwise, or in the case of an insurance sale or a salvage sale, the goods to be sold at such sale shall be clearly and distinctly segregated, marked or identified, and advertised, if at all, so that both on display and in advertising such goods may be readily distinguished from other stocks, and their identity readily ascertained. Such goods shall not be commingled with other stocks of the licensee in such a manner to cause the goods to lose their separate identity either on display or in advertising. A violation of this Section voids the license issued under this Article.

(B) No person in contemplation of conducting any going out of business, removal, assignee's or creditor's sale, or during the continuance of such a sale, shall order or purchase any goods for the purpose of selling them at such sale. Any unusual purchase, or additions to the stock of goods within sixty (60) days after the filing of such application for a license to conduct such a sale shall be presumptive evidence that such purchases or additions were made in contemplation of such sale and for the purpose of selling them at such sale.

7-7-12 **PENALTIES.** Any person violating any provision of this Article shall, upon conviction, be fined as provided in Sections 1-1-20 and 1-1-21.
ARTICLE VIII – RESERVED

(Ord. No. 1291; 08-08-05)
ARTICLE IX – SIDEWALK DINING LICENSE

7-9-1 RULES AND REGULATIONS.
(A) The area devoted to outdoor dining on the sidewalk shall only be ancillary to and extending perpendicularly from the front façade of an indoor restaurant located in the “C-1” Commercial Zoning District. Additionally, the area in front of the same or the adjacent building will remain the decision of the Council. If it is deemed inappropriate or conflicting for the business with the license to be operating in front of the adjacent business, permission will not be granted.

(B) The annual license fee of Zero Dollars ($0.00) accompanied by a completed application for a “Sidewalk Dining License” must be submitted to the City Clerk’s Office by January 1st of each year and shall terminate on December 31st of the same year.

(C) Maintain a minimum of four (4) foot-wide pedestrian clearance along the outside sidewalk at all times.

(D) Sidewalk dining areas shall not obstruct the Fire Department’s water connection devices.

(E) Sidewalk dining areas shall not interfere with curbs, ramps, driveways, or access to any building.

(F) For restaurants located on street corners, the sidewalk dining area shall not encroach into the cone-shaped area between the ramps for disabled and the closest corner of the building.

(G) Sidewalk dining shall be allowed between 6:00 A.M. and 11:30 P.M. everyday. Outdoor dining furniture and fixtures including but not limited to pedestrian barriers shall be stored indoors overnight between 11:30 P.M. and 5:30 A.M. of the following day. If not possible to store the furniture and fixtures inside during off-hours, the owner must securely fasten all of the furniture and fixtures to the owners building only, to prevent vandalism and wind damage. No long-term storage of the furniture and fixtures on the sidewalk will be allowed, overnight only. Re: off-season.

(H) Outdoor dining furniture and fixtures including but not limited to umbrellas, tents, and pedestrian barriers:

(1) must be sturdy and stable.
(2) must have sufficient weight or secured so that they cannot tip over or be blown over.
(3) must not be attached to or protrude into sidewalk.
(4) must not obstruct sight distance of vehicular traffic.
(5) only displayed from April 1st to October 31st of each calendar year.

(I) Pedestrian barriers (if used by applicant):
(1) must be between thirty (30) and thirty-six (36) inches in height.
(2) railing and fences must be made of durable material and properly secured.
(3) must not impair vision of vehicular traffic.
(4) planters arranged for the best visual effect may be used.

(J) The outdoor dining area shall be kept clean and free from litter at all times.
(K) No preparation, storage, or display of food outdoors.
(L) Provide evidence of public liability insurance and comprehensive property damage insurance including the City and its employees as an additional insured and insuring the City against any liability resulting from the uses permitted herewith. The coverage shall not be less than **One Million Dollars ($1,000,000.00)** per occurrence or accident resulting from bodily injury to or death of a person(s).
(M) A signed hold harmless and indemnification agreement shall accompany the application for the license.
(N) At least one completely enclosed trash receptacle must be placed no more than **six (6) inches** from the face of the building.
(O) Alcoholic beverages may be served or consumed in association with the sidewalk dining operation subject to the applicant having the appropriate liquor license. The removal of alcoholic beverages and any containers of alcoholic beverages except back into the applicant’s facility from the permitted sidewalk dining area is prohibited. No glass allowed. Including, but not limited to bottles, glasses, pitchers, and plates.
(P) Permitted signage shall be subject to those conditions as specified in the City’s Sign Ordinance.
(Q) No public announcement system or loud speakers shall be permitted in the sidewalk dining area.
(R) The City may conduct inspections at any time to assure compliance with the provisions of these regulations. Failure to comply with or any continued infraction of any of these regulations can result in the revocation, suspension, and/or non-renewal of the license provided for herein.

*(Ord. No. 1231; 04-26-04)*
8-1-1 **FRANCHISE RENEWAL AGREEMENT.** This agreement is entered into by and between the City of Staunton, hereinafter referred to as “City”, and Macoupin County Cablevision South Company, an Illinois corporation, hereinafter referred to as “Grantee”.

In consideration of the faithful performance and observance by the Grantee of the terms, provisions, conditions, obligations and reservations hereinafter set forth or provided for herein, and also provided in the original City of Staunton Cable Television Ordinance (#743), as herein referred to as “Ordinance”, pursuant into which this Agreement is executed, and in consideration of the renewal to the Grantee by the City of a cable television system franchise, it is hereby agreed between the parties hereto as follows:

**Section 1: Grant and Acceptance of Franchise Renewal.**

(A) The City hereby grants the Grantee, its successors and assigns a nonexclusive franchise renewal and the right to erect, install, construct, reconstruct, replace, remove, repair, maintain, operate in or upon, under, above, across and from the streets, avenues, highways, sidewalks, bridges, and other public ways, easements, and rights-of-way within the Franchise Area as now existing and all extensions thereof, and additions thereto, in, belonging to, or under the jurisdiction of the City, all necessary poles, wires, cable, coaxial cables, transformers, amplifiers, underground conduits, manholes and other television and/or radio conductors and fixtures for the sole purpose of the ownership, maintenance and operation in the Franchise Area of a cable television system and such audio/video broadband telecommunications system as may be effective in the better delivery of the cable telecommunications system, all in strict accordance with the laws, ordinances and regulations of the United States of America, the State of Illinois, and the City of Staunton, as now existing or hereafter adopted or amended.

(B) Grantee hereby accepts the franchise renewal and warrants and represents that it has examined and agrees to comply with all of the provisions of the original City of Staunton Cable Television Ordinance, and this Agreement. Where there is any direct conflict between the City of Staunton Cable Television Ordinance and this Agreement, the Agreement shall be controlling. In the event the Grantee claims there is a conflict between said Ordinance and this Agreement, the alleged conflict shall be resolved by the City after consultation with Grantee. The decision of the City as to any and all alleged conflicts shall be in writing. No changes or additions made to the Ordinance or the Agreement by the City shall be binding upon the Grantee without the Grantee’s express written acceptance.
During the term of this Agreement, Grantee shall be liable for the acts or omissions of its agents, employees, contractors or subcontractors while such parties are involved directly or indirectly in the construction, installation, maintenance, sale, or operation of Grantee’s cable television system as if the acts or omissions of such parties were the acts or omissions of Grantee.

**Section 2: Definitions:**

Unless the context clearly indicates that a different meaning is intended, for purposes of this Agreement all terms, phrases, words or their derivations shall be defined as set forth in the Ordinance or as follows; provided, however that the terms, phrases, words or their derivations not defined herein or in the Ordinance shall be given their common and ordinary meanings:

- **“Franchise Area”** means the area within the boundaries of the City of Staunton, Illinois, and any areas that may be annexed thereto.
- **“Gross Basic Subscriber Revenues”** shall include any and all compensation or receipts derived by Grantee from the annual Gross Basic Subscriber Revenue for basic cable television service rendered to customers located within the City of Staunton, but shall not include any refunds or credits made to subscribers. Nor shall it include revenue from “ancillary” or “auxiliary” services, which include, but are not limited to advertising, leased channels and programming supplied on a per program or per channel basis, if any.
- **“Resident”** means any individual(s) or family which uses as its own domicile a legally zoned or legally non-conforming dwelling unit within the Franchise Area.

**Section 3: Commitment by Grantee.**

The Grantee agrees to use its best efforts, at its expense, to actively and diligently conduct the processing of all registration documents to the FCC or other government regulatory bodies necessary to verify the franchise renewal under this Agreement and to meet requirements set by the FCC.

**Section 4: Rights Reserved by the City.**

In addition to the rights reserved by the City in the Ordinance, the franchise renewal is subject to the right of the City:

- **(A)** To establish reasonable standards of service and quality of products, and to prevent unjust discrimination in service.
- **(B)** To require continuous and uninterrupted service to the public throughout the entire period thereof and to require technical service quality of the system.
- **(C)** To control and regulate the use of its streets, alleys, bridges, and rights-of-way, public places and property, and the space above and beneath them.
Section 5: Franchise Fee.

(A) Grantee shall pay to the City a franchise fee of five percent (5%) of the Gross Basic Subscriber Revenues derived from the operation of its cable television system in the Franchise Area during the franchise renewal term.
(B) Grantee shall continue to maintain its system headquarters within the City of Staunton.
(C) Payment shall be due and payable no later than sixty (60) days following the end of the period for which franchise fees have accrued.
(D) The franchise fee shall be based on the Gross Basic Subscriber Revenues generated between January 1 and December 31 of any year.

Section 6: Other Fees and Special Taxes.

The Grantee shall pay all fees necessary to obtain all Federal, State and local licenses, permits and authorizations required for the construction, installation, maintenance or operation of its cable television system; provided, however, that no special tax shall be imposed upon Grantee or its subscribers by the City in connection with the provision or receipt of cable television services, and provided further that no special fee shall be imposed on Grantee by the City for any such license, permit or authorization and that no additional fee shall be imposed on Grantee by the City for inspections relating to the construction or maintenance of the Grantee’s cable lines or the installation of individual service drops and further, that no special fees will be imposed on the Grantee as the sole member of any class of business.

Section 7: Term and Effective Date of Agreement.

(A) The term of this Agreement and the franchise renewal granted hereunder shall be fifteen (15) years from the original expiration date of the Franchise Ordinance. The terms of this Agreement, then, will conclude on July 9, 2009.
(B) Nothing in this Agreement or the Franchise Ordinance shall be deemed to limit or restrict in any way the rights or obligations of the City of Staunton and the Grantee under federal and state law governing the renewal of cable television franchises.
(C) The effective date of this Agreement shall be the date on which both the City and Grantee have executed the Agreement. All obligations and rights contained within this Agreement shall be in full force on the Effective Date.

Section 8: Territorial Extent of Franchise.

The Grantee is authorized to operate in the Franchise Area, as the same may or in the future exist.
**Section 9: System Design.**

(A) Additional bandwidth is contemplated to be reserved for new programming services as they are developed and new technological advancements when technically and economically feasible.

(B) Grantee agrees to utilize whatever technology is then considered state-of-the-art in cable systems of comparable size, serving comparable communities in the State of Illinois. Nothing herein shall be construed to prohibit Grantee from increasing the capability of the cable television system or constructing the same in accord with the more advanced technological standards then herein proposed. Nor shall anything herein require Grantee to perform or effect any upgrade or rebuild during the Agreement Term except as hereinabove described.

(C) Grantee will not be liable for delays to the schedule in subsection (A) above which are caused by labor disputes, disputes with utilities, acts of war, weather conditions precluding construction activities or other causes beyond the Grantee’s reasonable control.

**Section 10: Technical Performance and Standards.**

(A) Grantee shall construct, operate and maintain its cable television system so as to at all times meet or exceed the technical standards established by the FCC.

(B) Grantee shall conduct its technical performance tests in accordance with the procedures set forth in the latest edition of the FCC technical standards. Grantee shall, at a minimum, maintain the system in accordance with the standards set forth in Sections 4(b) and 9(b) above.

(C) System monitor test points shall be maintained at or near the output of the last amplifier, or its equivalent, in the longest feeder line, at or near trunk line extremities.

**Section 11: Construction Schedule.**

(A) Grantee shall within **one hundred eighty (180) days** prior to the commencement of construction to upgrade its system, furnish the City with a complete construction schedule and map. Such construction schedule shall indicate the approximate amount of plant mileage within the Franchise Area to be constructed and activated on a quarterly basis and the scheduled date for completion of construction of all major facilities.
Section 12: Construction Requirements and Standards.

(A) Grantee shall construct, install, maintain and operate its cable television system in a safe, orderly and workmanlike manner utilizing only materials of good, durable quality with due respect for engineering considerations and in accordance with applicable federal, state and local laws and regulations.

(B) Grantee shall, at its cost and expense, repair, replace or restore any street, sidewalk, alley, public way or any other property disturbed or damaged or in any way injured by or on account of its activities to as good condition as before the work involving such disturbance was done and agreed to do so as soon as practicably possible after completion of such work causing such disturbance or damage. In the event Grantee fails to perform the replacement or restoration, the City shall have the right to do so at the sole cost and expense of the Grantee, provided, however, that Grantee shall first be given written notice of its default and sixty (60) days to cure same. Upon written demand for reimbursement for the cost of replacement or restoration of damaged property, Grantee shall promptly remit to the City.

(C) All installations shall be underground in those areas of the Franchise Area where public utilities providing telephone and electric service are both underground at time of installation. In areas where either telephone or electric utility facilities are aboveground at the time of installation, the Grantee may install its service aboveground, providing that at such time as both telephone and electric utility facilities are required to be placed underground by the City or are placed underground, the Grantee shall likewise place its service underground without additional cost to the City or to the individual subscriber so served within the franchise area.

(D) The City will provide Grantee with any and all maps and engineering assistance concerning the location and condition of all utilities known to City.

Section 13: Programming Services and Fees.

(A) Grantee shall provide to subscribers in the Franchise Area broad categories of programming as follows:

- children’s programming
- religious programming
- news/public affairs programming
- sports and recreational programming
- cultural programming
- Grantee shall also make available to subscribers a parental guidance lockout device for an additional fee.

(B) Grantee shall have the authority and right to change specific program offerings and will notify the subscribers affected thereby of the planned changes.
(C) Grantee shall impose its then prevailing monthly service and installation rates without discrimination and without regard for age, race, sex, sexual orientation, ethnic origin, marital status, or creed. Grantee reserves the right to offer special promotional discounts to certain groups (a promotional discount is defined as any special offer on equipment, service or installation of a duration of not more than a year), and to offer discounts based on financial need or disability. A copy of the current rates and charges for all services provided by Grantee as of September 1, 1993 is attached as Exhibit A.

(D) Grantee shall have the authority and right to change and establish installation and monthly service charges upon thirty (30) days prior written notice to the City and the subscribers affected thereby.

(E) Grantee shall provide each subscriber the equipment necessary for the receipt of all services to which he or she subscribes. Grantee may collect at the time of installation a deposit from subscribers to insure the protection and return of the converter equipment. At the termination of service, the subscriber shall receive a refund in full of his/her security deposit(s) upon the return of the equipment in good condition, excluding normal wear, to the Grantee. In the event the equipment is not returned to the Grantee, the Grantee may retain the security deposit and/or further charge the subscriber the actual replacement cost of the equipment, plus any reasonable costs or penalties. In the event the equipment is returned other than in good condition, excluding normal wear, the Grantee may retain from the security deposit, and/or further charge the subscriber the actual replacement cost of the equipment or the actual cost of repair, whichever is less.

(F) If the installation of a service connection requires a drop in excess of one hundred twenty-five (125) feet, including labor and materials. Grantee shall provide the subscriber a written statement of the charges for installing an extra-long drop and obtain such subscriber’s written consent prior to any installation of such costs provided, however, that Grantee may require an advance payment of such costs for such subscriber as a condition of performing the requested installation.

(G) If a subscriber requests a non-standard installation for aesthetic purposes, either internal or external, including concealed wiring or routing from the tap to the dwelling unit that differs from the standard route, or an elective underground drop, which results in greater costs, Grantee may charge the subscriber at its then prevailing charges for such non-standard installation. Grantee shall provide the subscriber a written statement of the charges for such installation and obtain the subscriber’s written consent prior to any such installation; provided, however, that Grantee may require an advance payment of such costs from such subscriber as a condition of performing the requested installation.

Section 14: Services to the City.

The Grantee shall, provide to the City upon its written request:

(A) One (1) free installation and free service for Basic Service to any building which houses a City agency or state-certified school within the Franchise Area. Where such institution includes more than one (1) location or building, only one (1)
connection to the system will be provided at no charge under this paragraph. Where the location to be served requires (1) an aerial drop of more than **one hundred (100) feet**, (2) a non-standard installation, (3) underground installation or (4) installation of multiple outlets, Grantee may charge its actual installation costs to the institution beyond the cost of the standard aerial installation for **one (1) connection**. Grantee will, where technically feasible, connect its service to the input of a compatible master antenna system. Grantee may charge additional monthly service charges for any connections beyond the single drop to each location.

(B) The capability to present emergency information regarding life threatening circumstances by duly designated public and law enforcement officials of the City. Such information shall be provided on an emergency basis, under reasonable procedures established by the City and Cablevision. The City will indemnify and hold Grantee harmless from any damages, lawsuits, liabilities, penalties or refunds resulting from acts or omissions created by the usage of such emergency alert system by the City; and will take every reasonable precaution to safeguard access and limit usage to reports on life-threatening situations.

**Section 15: Maintenance and Customer Service.**

(A) During the term of this Agreement, Grantee shall maintain its cable television system in good working condition.

(B) Grantee shall maintain an office in the City and provide personnel, telephone service and other equipment, as needed, to ensure timely, efficient and effective service to consumers. Grantee shall accept telephone inquiries **twenty-four (24) hours** a day, **seven (7) days** a week. All business offices of the Grantee shall have a locally listed telephone number or 800 toll-free number. A walk-in cable center will, at a minimum, be open during the hours of 8:00 A.M. through 5:00 P.M. Monday through Friday.

(C) Grantee shall operate the cable television system continuously, with operating personnel available on call **twenty-four (24) hours** per day with a locally listed telephone number to receive complaints and requests for repairs or service. Grantee shall render efficient service, locate and repair malfunctions promptly and accept subscriber service complaints **twenty-four (24) hours** a day. Under normal conditions, investigative action shall be initiated in response to all subscriber service complaints not later than the next business day if at all possible. Appropriate records shall be made of service calls showing when and what corrective action was completed. Such records (in an aggregated form and absent personally identifiable information) shall be available to the City during normal business hours with **one (1) week** notice and shall be retained by the Grantee for not less than **one (1) year**. All actions taken hereunder shall be in compliance with the privacy provisions of the Cable Communications Policy Act of 1984.

(D) Grantee shall maintain service capable of locating and correcting major outages promptly which shall be available at all hours to correct such major outages. Grantee shall maintain records of all major outages.
Section 16: Miscellaneous Provisions.

(A) **Governing Law.** This Agreement shall be construed pursuant to the laws of the federal government, the State of Illinois and the City of Benld, Illinois.

(B) **Descriptive Headings.** Section headings are descriptive and used merely for the purpose of organization and where inconsistent with the text are to be disregarded.

(C) **No Inducement.** Grantee acknowledges that it has made no promise or inducement, oral or written, to any City employee, representative or advisor regarding the receipt or award of the franchise renewal granted hereunder. Grantee further acknowledges that it has not been induced to accept this franchise renewal by any promise, oral or written, made by or on behalf of the City or by any third person regarding any term or condition set forth in the original Ordinance of this Agreement.

(D) **Severability.** If any provision of this Agreement or any portion of any provision hereof is deemed invalid under any applicable ordinance or rule of law, such provision shall be, to the extent invalid, deemed omitted and all remaining provisions shall remain in full force and effect to the extent they fulfill the intent of this Agreement.

(E) **Landlord/Tenant Relations.**

(1) Neither the owner of any multiple unit residential dwelling, condominium, cooperative or townhouse, or his agent, representative or board shall ask, demand or receive any payment, service or gratuity in any form as a condition for permitting or cooperating with the installation of cable service to the dwelling unit occupied by a tenant or resident requesting service.

(2) Neither the owner of any multiple unit residential, dwelling, condominium, cooperative or townhouse, nor his agent, representative or board shall penalize, charge, or surcharge a tenant or resident, or forfeit or threaten to forfeit, any right of such tenant or resident, or discriminate in any way against such tenant or resident who requests or receives cable service from a Grantee operating under a valid and existing franchise issued by the City.

(3) Nothing in this Section shall prohibit a person from requiring that cable television system facilities conform to laws and regulations and reasonable conditions necessary to protect safety,
functioning, appearance and value of premises or the convenience and safety of persons or property.

(4) Nothing in this Section shall prohibit a person from requiring the Grantee to agree to indemnify the owner, or his agents or the installation, operation, maintenance or removal of cable television facilities.

Section 17: Approval of Transfer and Rights of Acquisition.

Approval of Transfer and Rights of Acquisition of the City. The Grantee shall not sell or transfer its systems to another, nor transfer any rights under the Ordinance of this Agreement to another, except upon written notice to the City not less than thirty (30) days before such transfer or sale and further provided, that no sale or transfer shall be effective until the vendee, assignee, or lessee has filed with the appropriate official of the City an instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of the Ordinance and this Agreement and agreeing to perform all conditions herein.

(Ord. No. 1036; 03-14-94)
ARTICLE II - CABLE/VIDEO SERVICE PROVIDER FEE
AND PEG ACCESS SUPPORT FEE

8-2-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings:

(A) "Cable Service" means that term as defined in 47 U.S.C. § 522(6).

(B) "Commission" means the Illinois Commerce Commission.

(C) "Gross Revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder’s cable service or video service area within the City.

(1) Gross revenues shall include the following:

(a) Recurring charges for cable or video service.

(b) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.

(c) Rental of set top boxes and other cable service or video service equipment.

(d) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.

(e) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.

(f) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

(g) A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder’s network to provide cable service or video service within the City. The allocation shall be based on the number of subscribers in the City divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

(h) Compensation received by the holder that is derived from the operation of the holder’s network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any
products or services on the holder’s network, such as a “home shopping” or similar channel, subject to subsection (i).

(i) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder’s revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

(j) The service provider fee permitted by 220 ILCS 5/21-801(b).

(2) Gross revenues do not include any of the following:

(a) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).

(b) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

(c) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder’s books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

(d) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser’s subscribers to the extent the purchaser certifies in writing that it will resell the service within the City and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
(e) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.

(f) Security deposits collected from subscribers.

(g) Amounts paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

(3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(D) “Holder” means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(E) “PEG” means public, education and governmental.

(F) “PEG Access Support Fee” means the amount paid under this Article and 220 ILCS 5/21-801(d) by the holder to the City for the service areas within its territorial jurisdiction.

(G) “Service” means the provision of “cable service” or “video service” to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(H) “Service Provider Fee” means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to a City for the service areas within its territorial jurisdiction.

(G) “Video Service” means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.
8-2-2  CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED.
(A) Fee Imposed. A fee is hereby imposed on any holder providing cable service or video service in the City.
(B) Amount of Fee. The amount of the fee imposed hereby shall be five percent (5%) of the holder’s gross revenues.
(C) Notice to the City. The holder shall notify the City at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the City.
(D) Holder’s Liability. The holder shall be liable for and pay the service provider fee to the City. The holder’s liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder’s application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the City.
(E) Payment Date. The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
(F) Exemption. The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the City in which a fee is paid.
(G) Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 8-2-2(B).

8-2-3  PEG ACCESS SUPPORT FEE IMPOSED.
(A) PEG Fee Imposed. A PEG access support fee is hereby imposed on any holder providing cable service or video service in the City in addition to the fee imposed pursuant to Section 8-2-2(B).
(B) Amount of Fee. The amount of the PEG access support fee imposed hereby shall be one percent (1%) of the holder’s gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the City or its designee for PEG access support in the City.
(C) Payment. The holder shall pay the PEG access support fee to the City or to the entity designated by the City to manage PEG access. The holder’s liability for the PEG access support fee shall commence on the date set forth in Section 8-2-2(D).
(D) Payment Due. The payment of the PEG access support fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
(E) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that the operator owes under Section 8-2-3(B).

**8-2-4 APPLICABLE PRINCIPLES.** All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

**8-2-5 NO IMPACT ON OTHER TAXES DUE FROM HOLDER.** Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the City, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the City's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government’s 911 or E911 fees, taxes or charges.

**8-2-6 AUDITS OF CABLE/VIDEO SERVICE PROVIDER.**

(A) **Audit Requirement.** The City will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the City imposes on other cable service or video service providers in its jurisdiction to audit the holder’s books and records and to recomputed any amounts determined to be payable under the requirements of the City. If all local franchises between the City and cable operator terminate, the audit requirements shall be those adopted by the City pursuant to the Local Government Taxpayers’ Bill of Rights Act, 50 ILCS 45/1 et seq. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(B) **Additional Payments.** Any additional amount due after an audit shall be paid within thirty (30) days after the City’s submission of an invoice for the sum.

**8-2-7 LATE FEES/PAYMENTS.** All fees due and payments which are past due shall be governed by ordinances adopted by this City pursuant to the Local Government Taxpayers’ Bill of Rights Act, 50 ILCS 45/1 et seq.

(See 220 ILCS 5/21-801)
(Ord. No. 1480; 04-27-09)
ARTICLE III - CABLE AND VIDEO CUSTOMER PROTECTION LAW

8-3-1 CUSTOMER SERVICE AND PRIVACY PROTECTION LAW.  
(A) Adoption. The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and may applicable to the cable or video providers offering services within the City’s boundaries.  
(B) Amendments. Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Article shall be incorporated into this Article by reference and shall be applicable to cable or video providers offering services within the City’s boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City. 

8-3-2 ENFORCEMENT. The City does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the City. 

8-3-3 CUSTOMER CREDITS. The City hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit. 

8-3-4 PENALTIES. The City, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed Seven Hundred Fifty Dollars ($750.00) for each day of the material breach, and shall not exceed Twenty-Five Thousand Dollars ($25,000.00) for each occurrence of a material breach per customer. 
(A) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.  
(B) The City shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least thirty (30) days from the receipt of the notice to remedy the specified material breach.  
(C) A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (B). 

(Ord. No. 1479; 04-27-09)
ARTICLE IV – SMALL WIRELESS FACILITIES

8-4-1 PURPOSE AND SCOPE.
A) Purpose. The purpose of this Article is to establish regulations, standards, and procedures for the siting and collocation of small wireless facilities on rights-of-way within the City’s jurisdiction, or outside the rights-of-way on property zoned by the City exclusively for commercial or industrial use, in a manner that is consistent with the Act. Siting and collocation of small wireless facilities outside the rights-of-way on property zoned by the City for uses other than exclusively commercial or industrial uses shall be governed by the zoning and building ordinances applicable to property zoned for such other uses.

B) Conflicts and Other Ordinances. This Article supersedes all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

C) Conflicts with State and Federal Law. In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the wireless provider shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

8-4-2 DEFINITIONS. For the purposes of this Article, the following terms shall have the following meanings:

Antenna: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes: Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant: Any person who submits an application and is a wireless provider.

Application: A request submitted by an applicant to the City for (i) a permit to collocate small wireless facilities, and/or (ii) installation of a new utility pole for collocation of small wireless facilities, as well as any applicable fee for the review of such application.

Collocate or collocation: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications service: Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53) as amended; or wireless service other than mobile service.

Communications service provider: A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.


Fee: A one-time charge.

Historic district or historic landmark: A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C;
or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance (a) adopted by the City pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or (b) where certification of a preservation program proposed by the City is pending with the Illinois State Historic Preservation Office.

**Law:** A federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

**Micro wireless facility:** A small wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, no longer than eleven (11) inches.

**Municipal utility pole:** A utility pole owned or operated by the City in public rights-of-way.

**Permit:** A written authorization required by the City to perform an action or initiate, continue, or complete a project.

**Person:** An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

**Public safety agency:** The functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

**Rate:** A recurring charge.

**Right-of-way:** The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include City-owned aerial lines.

**Small wireless facility:** A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**Utility pole:** A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

**Wireless facility:** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

**Wireless infrastructure provider:** Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that
is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the City.

**Wireless provider:** A wireless infrastructure provider or a wireless services provider.

**Wireless services:** Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

**Wireless services provider:** A person who provides wireless services.

**Wireless support structure:** A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

8-4-3 **REGULATION OF SMALL WIRELESS FACILITIES.**

(A) **Permitted Use.** Except as otherwise provided in Section 8-4-3(C)(9) below, regarding Height Exceptions or Variances, small wireless facilities are hereby classified as permitted uses, subject only to administrative review, and not subject to zoning review or approval, if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use, notwithstanding any statement to the contrary in any other ordinance adopted by the City.

(B) **Permit Required.** An applicant shall obtain one or more permits from the City to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

1. **Application Requirements.** A wireless provider shall provide the following information to the City, together with the City’s Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
   
   (a) Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, as such act may be amended from time to time (the “SEPA”);

   (b) The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility in that location;

   (c) Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the SEPA, for each proposed small wireless facility covered by the application as it is proposed to be installed;

   (d) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
(e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and

(f) Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant’s knowledge. For purposes of this Section, the applicant’s knowledge includes not only the knowledge of the person signing the certification but, also, the knowledge of all officers of the applicant and of each employee or agent of the applicant involved with the proposed small wireless facility.

(g) In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the City, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

(2) **Application Process.** The City shall process applications as follows:

(a) The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

(b) An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the City fails to approve or deny the application within ninety (90) days after the submission of a completed application. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City, in writing, of its intention to invoke the deemed approved remedy no sooner than seventy-five (75) days after the submission of a completed application; and prior to the ninetieth (90th) day after the submission of the completed application.

Unless otherwise approved or rejected by the City within ninety (90) days after the submission of the completed application, the permit shall be deemed approved on the later of the ninetieth (90th) day after submission of the complete application or the tenth (10th) day after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City’s denial of the permit request within the time limits as provided under this Article.

(c) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the
application within **one hundred twenty (120) days** after the submission of a completed application. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than **one hundred five (105) days** after the submission of a completed application; and prior to the **one hundred twentieth (120th) day** after the submission of the completed application.

Unless otherwise approved or rejected by the City within **one hundred twenty (120) days** after the submission of the completed application, the permit shall be deemed approved on the later of the **one hundred twentieth (120th) day** after submission of the completed application or the **tenth (10th) day** after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this Article.

(d) The City may, on a non-discriminatory basis, deny an application which does not meet the requirements of this Article.

If the City determines that applicable codes, ordinances, or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the applicant and/or the wireless provider.

The City shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the City denies an application.

The applicant may cure the deficiencies identified by the City and resubmit the revised application once within **thirty (30) days** after notice of denial is sent to the applicant without paying an additional application fee. The City shall approve or deny the revised application within **thirty (30) days** after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within **thirty (30) days** of denial shall require the application to submit a new application with applicable fees, and recommencement of the City's review period. The application shall be reviewed after completed applications that have been submitted before it.
The applicant must notify the City in writing of its intention to proceed with the permitted activity on a deemed approved basis (if denial is not received within **thirty (30) days** after submission of the revised application), which notification may be submitted with the revised application. Any review of a revised application shall be limited to the deficiencies cited in the denial (so long as other provisions of the application have not been changed). However, this limitation does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other new or different wireless equipment associated with the small wireless facility.

(e) **Pole Attachment Agreement.** Within **thirty (30) days** after an approved permit to collocate a small wireless facility on a municipal utility pole, the City and the applicant shall enter into a Master Pole Attachment Agreement, in the form provided by the City, for the initial collocation on a municipal utility pole by such approved application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the City and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

(3) **Completeness of Application.** Within **thirty (30) days** after receiving an application, the City shall determine whether the application is complete and notify the applicant. If an application is incomplete, the City must specifically identify the missing information. An application shall be deemed complete if the City fails to provide notification to the applicant within **thirty (30) days** after all documents, information and fees specifically enumerated in the City’s permit application form are submitted by the applicant to the City.

Processing deadlines are tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information.

(4) **Tolling.** The time period for applications may be further tolled by:

(a) An express written agreement by both the applicant and the City; or

(b) A local, State or federal disaster declaration or similar emergency that causes the delay.

(5) **Consolidated Applications.** An applicant seeking to collocate small wireless facilities within the jurisdiction of the City shall be allowed, at the applicant’s discretion, to file a consolidated application and receive a single permit for the collocation of up to **twenty-five (25) small wireless facilities**, if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the City may remove small wireless facility collocations from the
application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The City may issue separate permits for each collocation that is approved in a consolidated application.

(6) **Duration of Permits.** The duration of a permit shall be for a period of not less than **five (5) years**, and the permit shall be renewed for equivalent durations unless the City makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable City codes or any provision, condition, or requirement contained in this Article.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable City code provisions or regulations in effect at the time of renewal.

(7) **Means of Submitting Applications.** Applicants shall submit applications, supporting information, and notices to the City by personal delivery at the City’s designated place of business, by regular mail postmarked no later than the date due, or by any other commonly used means, including electronic mail, by which the application is received by the City no later than the date due.

(C) **Collocation Requirements and Conditions.**

(1) **Public Safety Space Reservation.** The City may reserve space on municipal utility poles for future public safety uses, for the City’s electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the City reasonably determines that the municipal utility pole cannot accommodate both (or all three) uses.

(2) **Installation and Maintenance.** The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Article. The wireless provider shall ensure that its employees, agents, and/or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards, laws, and regulations.

(3) **No Interference with Public Safety Communication Frequencies.** The wireless provider’s operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications. A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency’s communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC’s regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own
expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The City may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph (or the then applicable regulations). Failure to remedy the interference as required herein shall constitute a public nuisance.

(4) The wireless provider shall not collocate small wireless facilities on City utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole. However, the antenna and support equipment of the small wireless facility may be located in the communications space on the City utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms “communications space”, “communication worker safety zone”, and “electric supply zone” have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers, as amended from time to time.

(5) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

(6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, and with reasonable stealth, concealment, and aesthetic requirements that are set forth in any City ordinance, written policy adopted by the City, the City’s comprehensive plan, and any other written design plan that applies to other occupiers of the rights-of-way, including those applicable to historic landmarks and/or historic districts.

(7) **Alternate Placements.** Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the City may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within one hundred (100) feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as reasonably determined by the applicant.
If the applicant refuses a collocation proposed by the City, the applicant shall provide written certification describing the property rights, technical limits, or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

(8) **Height Limitations.** The maximum height of a small wireless facility shall be no more than ten (10) feet above the utility pole or wireless support structure on which the small wireless facility is collocated. New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

(a) **ten (10) feet** in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the City, that is located within three hundred (300) feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the City, provided the City may designate which intersecting right-of-way within three hundred (300) feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

(b) **forty-five (45) feet** above ground level.

(9) **Height Exceptions or Variances.** If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in conformance with procedures, terms and conditions set forth in the Revised Code of Ordinances.

(10) **Contractual Design Requirements.** The wireless provider shall comply with requirements that are imposed by a contract between the City and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

(11) **Ground-mounted Equipment Spacing.** The wireless provider shall comply with applicable spacing requirements in all applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning, or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

(12) **Undergrounding Regulations.** The wireless provider shall comply with any and all local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.
(13) **Collocation Completion Deadline.** Collocation for which a permit is granted shall be completed within **one hundred eighty (180) days** after issuance of the permit, unless the City and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within **sixty (60) days** after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed **three hundred sixty (360) days** after issuance of the permit. Otherwise, the permit shall be void, unless the City grants an extension in writing to the applicant.

(D) **Application Fees.** Application fees are imposed as follows:

(1) Applicant shall pay an application fee of **Six Hundred Fifty Dollars ($650.00)** for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and **Three Hundred Fifty Dollars ($350.00)** for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(2) Applicant shall pay an application fee of **One Thousand Dollars ($1,000.00)** for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

(3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.

(4) The City shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

(a) routine maintenance;

(b) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the City at least **ten (10) days** prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with (d) under the Section titled Application Requirements; or

(c) the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are string between existing utility poles, so long as such installation, placement, maintenance, operation, or replacement is in compliance with all applicable safety codes.

(5) Wireless providers shall secure a permit from the City to work within rights-of-way for activities that affect traffic patterns or require lane closures.
(E) **Exceptions to Applicability.** Nothing in this Article authorizes a person to collocate small wireless facilities on:

1. property owned by a private party or property owned or controlled by the City or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

2. property owned, leased, or controlled by a part district, forest preserve district, or conservation district for public park, recreation, or conservation purposes, without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

3. property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, any public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Article do not apply to an electric or gas public utility or such utility’s wireless facilities if the facilities are being used, developed, and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, “public utility” has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Article shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Article.

(F) **Pre-Existing Agreements.** Existing agreements between the City and wireless providers that relate to the collection of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on City utility poles, that are in effect on June 1, 2018, if any, remain in effect for all small wireless facilities collocated on the City’s utility poles pursuant to applications submitted to the City before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Article.

Notwithstanding the foregoing, a wireless provider that has an existing agreement with the City on the effective date of the Act may opt, instead, to accept the rates, fees, and terms that the City makes available under this Article for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities by submitting a completed application for such small wireless facilities no sooner than two (2) years after the effective date of the Act, along with a notification to the City that the wireless provider opts to accept the rates, fees, and terms hereunder, rather than under its existing agreement. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the City’s utility poles pursuant to applications submitted to the City before the wireless provider provides such notice and exercises its option under this paragraph.
(G) **Annual Recurring Rate.** A wireless provider shall pay to the City an annual recurring rate to collocate a small wireless facility on a City utility pole located in a right-of-way that equals (i) **Two Hundred Dollars ($200.00)** per year or (ii) the actual, direct, and reasonable costs related to the wireless provider’s use of space on the City’s utility pole.

If the City has not billed the wireless provider actual and direct costs, the fee shall be **Two Hundred Dollars ($200.00)** payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter. If the City has billed the wireless provider actual and direct costs prior to such annual anniversary, the fee shall be such actual and direct costs; and shall be paid (i) no later than the annual anniversary date, or (ii) within **ten (10) business days** after the City has provided such actual and direct costs to the wireless provider, whichever is later.

(H) **Abandonment.** A small wireless facility that is not operated for a continuous period of **twelve (12) months** shall be considered abandoned. The owner of the facility shall remove the small wireless facility within **ninety (90) days** after receipt of written notice from the City notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the City to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within **ninety (90) days** of such notice, the City may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery, and charge the wireless provider for all costs incurred in such removal.

A wireless provider shall provide written notice to the City if it sells or transfers small wireless facilities within the jurisdiction of the City. Such notice shall include the name and contact information of the new wireless provider.

**8-4-4 DISPUTE RESOLUTION.** The Circuit Court of Macoupin County, Illinois shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the City shall allow the collocating person to collocate on its poles at annual rates of no more than **Two Hundred Dollars ($200.00)** per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

**8-4-5 INDEMNIFICATION.** A wireless provider shall indemnify and hold the City harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the City improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Article and/or the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the City or its employees or agents. A wireless provider shall further waive any claims that they may have against the City with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.
8-4-6 **INSURANCE.** The wireless provider shall carry, at the wireless provider’s own cost and expense, the following insurance:

(A) property insurance for its property’s replacement cost against all risks;

(B) workers’ compensation insurance, as required by law; or

(C) commercial general liability insurance with respect to its activities on the City improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of City improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the City as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the City in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the City. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the foregoing.

8-4-7 **SEVERABILITY.** If any provision of this Article or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Article is severable.

*(Ord. No. 1944; 07-23-18)*
CHAPTER 9

CEMETERY BOARD

9-1-1 BOARD ESTABLISHED, MEMBERS AND TERMS. The Mayor, with the advice and consent of the City Council shall appoint the Cemetery Board for the City of Staunton, to be known as the Staunton City Cemetery Association, composed of not less than six (6) nor more than ten (10) members, whose terms of office shall be established by the Mayor with the approval of the City Council. (Ord. No. 1037; 04-25-94)

9-1-2 ORGANIZATION.

(A) Officers, Conduct of Business. The Board shall elect necessary officers and adopt such rules, bylaws and regulations as it may deem proper for the conduct of its work.

(B) Quorum. A majority of the members shall constitute a quorum for the transaction of business.

(C) Treasurer of the Board. The Treasurer of the Staunton City Cemetery Association shall be bonded.

9-1-3 POWERS AND DUTIES.

(A) General. The Staunton City Cemetery Association shall have power to maintain the Staunton City Cemetery and, in order to carry out the purposes for which this Chapter is adopted, to employ help in maintaining the cemetery, to establish a care fund, to impose annual assessments, to establish charges for the opening of graves and to make rules and regulations in regard to flowers, shrubs, containers, monuments, markers, etc., which may prove a hinderance to the caretaker of the cemetery.

(B) Reports. Within fifteen (15) days after the expiration of the fiscal year of the City, the Association shall make a report, as of the last day of said fiscal year, to the City Council. This report shall be in writing and shall be verified under oath by the secretary or some other responsible officer of the Board. It shall contain:

1. An itemized statement of the various sums of money received by the Staunton City Cemetery Association;
2. An itemized statement of the objects and purposes for which such sums of money have been expended;
3. A statement of the personal property acquired by devise, bequest, purchase or otherwise;
4. Any other information and recommendations that may be of interest.
9-1-4  **COMPENSATION.** The members of the Board shall serve without compensation.

9-1-5  **DEPOSITS AND EXPENDITURES OF FUNDS.**

(A)  **Cemetery Fund.** It shall be the duty of the Treasurer of the Board to deposit all money received in a fund to be known as the Staunton City Cemetery Association Fund. Such fund may be drawn upon by the proper officials of the Board.

(B)  **Gifts and Donations.** The Association may accept any gift or bequest of money or other personal property or any donation, the principal or income of which is to be applied for either temporary or permanent use of the City Cemetery. The costs and expenses incurred by the Association shall be paid solely out of the moneys received or realized from gifts or donations received for this purpose, and the same shall be expended under the direction of the Board.

9-1-6  **CEMETARY LOT CHARGES.** There shall be charged a fee of Three Hundred Dollars ($300.00) for one (1) burial grave. Two Hundred Fifty Dollars ($250.00) shall be applicable to the sale of the burial grave and Fifty Dollars ($50.00) deposited in the Perpetual Care Fund.  *(Ord. No. 1192; 12-10-01)*
CHAPTER 12
EMPLOYEE PERSONNEL CODE

12-1-1 PURPOSE. The purpose of the Employee Code is to implement and maintain a uniform system of employment within all departments of the City and shall hereinafter be referred to as the “Code”. The Code is designed to provide employees and management with information pertaining to the employment policies and procedures applicable to all City employees.

All policies and procedures contained in this Code originally shall go into effect September 1, 1996, and revisions to the Employee Code will go into effect immediately upon passage by the City Council and approval by the Mayor.

All employees will be required to adhere to the policies and procedures as they are outlined in this Code; provided however, all previously approved union contracts shall prevail.

Upon adoption by the City Council, this Code shall be the nonexclusive policy of all departments of the City concerning terms and/or conditions of employment.

In order to implement and carry out the express provisions and the intent of this Code, all Elected Officials/Department Heads may pronounce policies consistent with this Code. A copy of any such policy shall be distributed to the Mayor and the City Council.

Nothing in this Code shall in any way affect the City’s and Superintendent’s right to develop and disseminate information concerning the operations of any department and employee’s job functions, duties and job position description.

12-1-2 DEFINITIONS.
(A) Employer. The term employer, as used in this Code, means the City of Staunton.
(B) Employee. The term employee, as used in this Code, means a person working as a volunteer or for remuneration for services rendered to the City. For purposes of this Code, an Elected Official is not an employee whose personal rights are affected by the Code.
(C) Department. The term department, as used in this Personnel Code, shall mean the governmental unit for whom the employee is directly working for and rendering services.
(D) Elected Official/Department Head. The term Elected Official/Department Head, as mentioned in this Code, means the one individual ultimately responsible for all operations of the department. The term Elected Official/Department Head includes City elected public office holders such as Mayor, City Council, and City Clerk. The term Elected Official and/or Department Head applies to individuals who are responsible for the operations of the department and to City elected office holders unless specifically indicated otherwise in this Code. The Elected Official/Department Head may designate a representative
as being responsible for carrying out the immediate functions as enumerated in this Code, and that representative, upon designation, shall be considered the Elected Official and/or Department Head.

(E) **Immediate Supervisor.** The term immediate supervisor, as used in this Code, shall mean the individual to whom the employee shall immediately report and be responsible for his work. An immediate supervisor may be the Elected Official/Department Head.

(F) **Immediate Family.** The term “immediate family” includes spouse, child, parent, brother, sister, mother, father, grandparent, grandchild, and mother-in-law or father-in-law.

12-1-3 **EQUAL EMPLOYMENT.** No person shall be discriminated against in any aspect of employment on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, political affiliation, or any other prohibited form of discrimination under Federal or State law or government contract or grant regulations.

All employees shall adhere to this nondiscriminatory policy.

Any and all affirmative action plans in effect shall also apply with regard to equal opportunity employment.

Sexual harassment in the workplace is considered by the City to be a form of sex discrimination, and no employee shall engage in any form of sexual harassment in the workplace.

Any employee, person or individual who feels in any way wronged, harassed, interfered with, or discriminated against should feel free to contact the City Council. This City Council will investigate the matter. No employee shall be retaliated against by co-employees or supervisors for making contact with the City Council or otherwise complaining of any form of discrimination.

12-1-4 **RESERVED.**
12-1-5  WAGES AND CLASSIFICATIONS.
(A) Employment Classifications. Employees are classified according to the following guidelines:

Salaried Exempt. This classification includes all Elected Officials and Department Heads and supervisory and administrative personnel. Salaried Exempt employees are exempt from overtime. Salaried Exempt employees are paid at a fixed salary rate with the expectation that the work load will dictate the number of hours worked.

Full-Time. Those employees scheduled to work a minimum of forty (40) hours per work week on a continuous basis. Full-time employees are eligible for overtime pay and compensatory time.

Part-Time. Those employees hired to work a maximum of one thousand (1,000) hours per calendar year. As regards to seasonal employees not employed in the City’s Parks & Recreation Department, Part-time employees may only be scheduled to work a maximum of three (3) days per week (24 hours or less), with a maximum of four and one-half (4.5) days per pay period (36 hours or less). As regards to those seasonal employees hired to work in the City’s Parks & Recreation Department, Part-Time employees may only be scheduled to work a maximum of twenty-eight (28) hours or less per week. (Ord. No. 1663; 02-25-13)

Special Assignment, Professionals. Professionals and those employees hired for a specific project for a limited period and may include those hired to fill in summer vacations, illness and the like. Such employees are hired with the understanding that their employment is to terminate upon completion of the project or at the end of the period. Special Assignment may be either full-time or part-time as determined by the requirements of the job. Professional employees are not entitled to overtime and compensatory time but are entitled to other benefits.

Special Assignment, Nonprofessional. Nonprofessional employees are like the special assignment, professional employees except that nonprofessional are entitled to overtime and compensatory time, but not to benefits.

Volunteers. Those individuals who accept on an unpaid basis various work assignments for any department. These individuals receive no wages nor benefits.

(B) Paychecks. Employees shall receive their paycheck on a bi-weekly basis. (Ord. No. 1214; 04-28-03)

(C) Compensation. The basic rate of pay shall be set forth in the “Appropriation Ordinance” adopted by the City Council.

(D) Overtime. Overtime at one and one-half (1 1/2) times the regular rate of pay is available to employees working in excess of a forty (40) hour work period.

(E) Salary Increases. Employees are eligible for a salary increase as provided in the annual Budget appropriation ordinance.

12-1-6  HOURS OF WORK.
(A) Work Week. Each Elected Official/Department Head will determine the work week for their own department. Each Elected Official/Department Head must allow for continuous operation of the department or office.

No work shall be performed at home, without prior approval of the Elected Official/Department Head.
Prior approval of immediate supervisors is necessary for any employee to work early or stay late to do work related activity.

All City Department personnel are on **twenty-four (24) hour** call to report to work. No person employed by the City Street Department shall work for more than **sixteen (16) hours** in a **twenty-four (24) hour** period.

(B) **Lunch.** The following shall apply for lunches:
Each Elected Official/Department Head shall establish the lunch schedule for their own department.
Each Elected Official/Department Head shall stagger the hours of the department staff during the lunch period to allow for continuous operation of the department or office.
Travel time to and from any eating place is included in the lunch period. The lunch break cannot be used for compensatory time or as a substitute for tardiness. Lunch periods may not be taken at the end of the day or in conjunction with a rest period unless the employee has obtained written approval from his or her immediate supervisor.

(C) **Time and Attendance.** Each department shall maintain accurate daily attendance records. An employee shall be at their places of work in accordance with the attendance rules. Tardiness or other abuse of regular attendance will not be tolerated. The attendance records will indicate information in order to properly pay employees for actual work performed. An employee shall have the right to review his attendance record on file in the department.

No one will be permitted to sign in or out for another employee.
An employee shall, whenever possible, provide advance notice of absence from work.

When City offices and buildings are open, but inclement weather prevents employees from reaching the buildings, employees may account for such absences by using accrued time, such as vacation and compensatory time earned, or the employee may elect to be docked for time off. Sick leave may not be used to cover absence due to inclement weather.

(D) **Holiday Pay.** All full-time and salaried exempt employees shall have time off with full salary payment on the day designated as a holiday by the City Council. If a Holiday falls on an employee’s regularly scheduled day off, the employee shall be entitled to an additional day off. Employees cannot use sick leave in lieu of scheduled holidays. All employees covered by this Code, who are required to work on an official Holiday, shall receive a rate of **one and one-half (1 1/2) times** the regular rate of pay for the hours work on such holiday. The Elected Official/Department Head shall approve the use of time with pay.

The term “last schedule work day” means the employee’s full day of work.
To be eligible for holiday pay, the employee must work both the day before and the day after the holiday. The exception allows for absences for good cause that are approved by the Elected Official/Department Head. Samples of this exception include the holiday, the Department Head approving for good cause hospitalization the day before or the day after the holiday, and a Department Head approving for good cause an employee calling in sick the day before or the day after a holiday, and placing the call at the last minute. In each of these examples, the Department Head shall exercise judgment as to whether the sickness or hospitalization is for “good cause”.
12-1-7 LEAVE. For all types of leaves, the Elected Official/Department Head may require employees to use vacation, sick leave, comp time or any other type of accumulated or accrued benefits before the employee is placed on leave without pay status.

(A) Holidays and Vacations. All non-union full-time employees shall be entitled to the following paid holidays each year: New Year’s Day; Good Friday; Memorial Day; Fourth of July; Labor Day; Veteran’s Day; Thanksgiving Day; the Friday following Thanksgiving; Christmas Eve Day; Christmas Day, and each such employee shall have a paid holiday on such employee’s birthday. Existing employee contracts shall prevail. (Ord. No. 1548; 09-27-10)

All of the foregoing full-time employees shall be entitled to vacation leave with pay as follows: ten (10) days after the anniversary date of one (1) year of normal, continuous and uninterrupted service to the City by the employee; fifteen (15) days after the anniversary date of eight (8) years of normal, continuous and uninterrupted service to the City by the employee; and twenty (20) days after the anniversary day of eighteen (18) years of normal, continuous and uninterrupted service to the City by the employee. The corporate authorities of the City, by motion or resolution, may allow earned vacation time to accumulate when it is in the best interest of the City. Existing employee contracts shall prevail.

Part-time employees are excluded from the provisions of this subsection. Computation of normal, continuous and uninterrupted service, for purpose of this subsection, shall not include service rendered prior to any severance of employment from this City. Employees as used in this subsection shall include the Director of Public Works and the department supervisors as defined in this Code. Existing employee contracts shall prevail. (Ord. No. 1141; 04-26-99)

(B) Sick Leave. All non-union full-time employees shall be allowed thirteen (13) days of sick leave, of which three (3) may be used as personal days, in each year without any reduction in their respective salaries. After being off of work and taking three (3) continuous sick days, the employee shall not be able to return to work without a doctor’s excuse. (Ord. No. 1141; 04-26-99)

Restrictions. Sick leave shall not be used for purposes of an extended vacation, weekend or holiday. Sick leave cannot be used as a substitute for vacation leave. Employees will be granted sick leave only after completing a minimum of twenty-five (25) work days of actual employment. Sick leave must be accrued before it may be used. Otherwise, time off shall be charged to the employee’s accrued vacation leave time, or at the option of the Elected Official/Department Head, shall be taken as leave without pay. Sick days are accrued during probation. Sick time will be deducted for no less than one (1) hour. No sick leave in excess of three (3) consecutive days shall be authorized unless approved by the Elected Official/Department Head.

Accumulation. All non-union full-time employees shall be allowed to accumulate ninety (90) days of sick leave. Upon termination of employment, accumulated sick leave will be paid at Ten Dollars ($10.00) per day up to fifty (50) days.
The Elected Official/Department Head shall establish notification requirements for taking sick leave.

The employee shall state the nature of the illness or injury, location of confinement and the telephone number where the employee can be reached. The employee must also state whether the absence is claimed to be from a previous injury sustained while on duty. Supervisors are to be kept informed daily, whenever possible, of the employee’s condition. Upon return to work, employees will inform their supervisor or Elected Official/Department Head as to the cause of illness and indicate whether a continuing impairment might have occurred.

In order to continue active work assignments or to resume work after an illness or injury or disability, employees must provide the department with a written physician’s statement releasing employee to assume activities within their position responsibility if:

1. Upon returning to work after prolonged illness for four (4) consecutive days or more;
2. Upon returning to work from an extended leave of absence;
3. After the employee has a potentially disabling illness, injury or condition; or
4. Upon returning to work after a diagnosed communicable disease.

Illness or Injury at Work. Any employee who is ill or injured on the job shall immediately notify the supervisor who may require the employee to be transported to a hospital for examination by a physician or surgeon.

For employees on an eight (8) hour work schedule, if an employee becomes ill while at work after the first two (2) hours of work, the employee shall lose one-half (1/2) day of accumulated sick time. For employees on a twelve (12) hour work schedule, if an employee becomes ill at work after the first three (3) hours of work, the employee shall lose one-half (1/2) day of accumulated sick time.

Maternity. Pregnancy shall be considered the same as any short-term disability, and request for pregnancy leave shall be made through the disability leave clause. Request for parental leave following child birth shall be made through the Leave of Absence clause, Section 12-1-7(C), Family and Medical Leave Act. (Ord. No. 1141; 04-26-99)

(C) Leave of Absence. No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary work assignment in another office.

All types of leave of absence do not earn vacations or sick leave while the employee is on leave of absence.

While the employee is on leave of absence, the length of service still continues to accumulate except for special leave situations under Subsection (C) Leave of Absence, (1) Special Leave, and for (6) Family and Medical Leave Act situations. Length of service is specifically prohibited from accumulating on Special Leave cases and on Family and Medical Leave Act situations. The prohibition on length of service accumulation is not contained in any other type of leave of absence situation. Therefore, the Code should be construed to allow accumulation of length of services while on leave of absence other than “special leave” and the “Family and Medical Leave Act”.
Employee shall be granted an excused leave of absence for the following:

1. **Special Leave.** All full-time and salary exempt employees who have completed **one (1) full year** of continuous service may request a special leave. Special leave will only be granted for personal reasons, and must be approved by employee’s Elected Official/Department Head. Special leave shall be granted **without pay.** The period for special leave shall not exceed **six (6) months.** An extension may be granted up to a maximum of **six (6) months** for a total of **one (1) year.** In order to continue to receive medical and insurance benefits during a special leave, the employee shall contribute both the employee and the employer’s share of IMRF and insurance costs. Length of service or benefits shall not accrue or accumulate during a special leave. A person either hired or promoted to fill the position vacated by the person on leave shall be considered in that position temporarily and shall relinquish it upon the employee’s return.

If a special leave is approved by the City Council, coverage under Illinois Municipal Retirement Fund may be maintained pursuant to IMRF rules and regulations.

2. **Military.** Any full-time, salaried exempt, or part-time employee who is a member of a Reserve component of the Armed Service, the Illinois National Guard, or the Illinois Naval Militia, shall be allowed annual leave with pay for **one (1) full pay period** and such additions or extensions thereof without pay as may be necessary for the employees to fulfill the military reserve obligation. Such leaves will be granted without loss of length of service or other accrued benefits.

   In case of an emergency call up (or order to state active duty) by the Governor, the leave shall be granted for the duration of said emergency with pay and without loss of length of service or other accrued benefits.

   Military earnings during the military reserve obligation or for the emergency call must be submitted and assigned to the City, and the City shall return it to the payroll fund from which the employee’s payroll check was drawn. If military pay exceeds the employee’s earning for the period, the City Council shall return the difference to the employee.

To be eligible for military reserve leave or emergency call up pay, the employee must provide the City with a certificate from the commanding officer of the employee’s unit that the leave taken was for either such purpose.

Full-time employees entering into military service as a result of voluntary enlistment, induction into the service by draft, or
conscription will be afforded all of the privileges provided by the Illinois Compiled Statutes, Chapter 330, Section 60/1 et seq.

(3) **Jury Duty.** An employee shall be excused from work for days in which the employee serves on Jury Duty. The employee shall receive his regular pay for jury service. The employee must present proof of jury service and the amount of pay received is to be deposited in the City Treasury. The employee shall also turn over to the City any expense allowances paid by the court, if the jury duty is located at the County Courthouse. If an employee is given an early release from jury duty, the employee shall then report to his or her regular work assignment.

(4) **Witness.** An employee shall be excused from work when lawfully subpoenaed to serve as a witness. The employee must present written proof of the summons to testify to qualify for an excused absence. Notice to employee’s supervisor should be made in advance of appearing in court. An employee’s excused absence from work shall be on an unpaid basis, unless the employee’s witness activity is work related and the witness activity is requested by the City. The employee shall turn over to the City any witness fee when the employee’s witness activity is work related.

(5) **Educational Leave.** The Elected Official/Department Head may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless in the judgment of the Elected Official/Department Head the training course would benefit the City by improving the employee’s qualifications to perform the duties of the employee’s position or by qualifying the employee for advancement in rank or grade to another position in the County service. Employee shall receive his regular pay during an education leave of absence for training courses when so authorized by the Elected Official/Department Head. Employees may request an educational leave without pay to seek further professional training in specialty fields. Such leave may be up to ten (10) months in duration and requires the approval of the Elected Official/Department Head. An employee on education leave without pay does not accrue vacation or sick leave credit for the period of leave. When ready to return to work, the employee will be offered the first available full-time position at the same job level the employee held prior to departing on educational leave without pay.

(6) **Funeral Leave.** Upon approval of the Elected Official/Department Head, up to three (3) days may be used as funeral leave for the death of a member of the employee’s immediate family. The term “who is dependent upon employee” means total financial dependence in a live-in arrangement. For deaths, funeral leave is tied only to “immediate family”. For all other types of leave, the individual must both be “immediate family” AND “dependent upon employee”. The employee’s immediate supervisor or Elected Official/Department Head may require evidence, including death and funeral verification, to
substantiate that such leave days were used for the purpose set forth herein. The funeral leave of **three (3) days** shall be taken at the time of the funeral on **three (3) continuous** days.

(7) **Family and Medical Leave Act.** An employee is eligible for a leave of absence through the Family and Medical Leave Act of 1993. In order to be eligible for leave, an employee must have worked for the employer at least **twelve (12) months** and must have worked at least **one thousand two hundred fifty (1,250) hours** over the previous **twelve (12) months** prior to the leave. Eligible female and male employees are allowed up to **twelve (12) weeks** of leave per **twelve (12) month** period following the birth of a child, the placement of a child for adoption or foster care, or the serious health condition of the employee of an immediate family member (defined for purposes of this Family and Medical Leave Act situation as including the employee’s child, spouse or parent). The leave for birth or placement must take place within **twelve (12) months** of the birth or placement of the child. The employee’s leave shall be unpaid. The employee may, upon approval of the Elected Official/Department Head, use accumulated sick leave and/or vacation leave. During the leave, the City shall continue to provide coverage under its group health plan. Following return upon leave, the employee shall be returned to a position with equivalent pay, benefits and other terms and conditions of employment.

In order to utilize leave of absence pursuant to the Family Medical Leave Act, the employee should give **thirty (30) day** notice. For leave based upon serious health conditions, the employee’s health care provider for leave. Employer reserves the right to require a second medical opinion at the employee’s own expense.

(8) **Expiration of Leave.** When an employee returns from a leave of **six (6) months** or less, the Elected Official/Department head shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to commencement of such leave. An employee’s same or similar position will not be protected for reductions in force or where the position has been eliminated. Employees are subject to termination if they are absent from work for more than **six (6) months.** No employee may be absent without permission of the supervisor to which assigned. In the absence of extenuating circumstances, an employee who is absent from work for any reason and fails to notify his or her supervisor **within two (2) working days** will be considered to have resigned.

No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary working assignment in another office.
OTHER BENEFITS.

(A) **Illinois Municipal Retirement Fund.** The City will participate in contributions for all eligible employees to the Illinois Municipal Retirement Fund. The City shall follow all guidelines of IMRF in order to protect the benefits of the employees.

(B) **Insurance.** Insurance will be provided on the following basis:

1. **Life, Medical and Dental Care Insurance.** All full-time employees are covered by a medical and dental plan funded by the City. Effective November 1, 2013, all full-time employees receiving City Health Insurance shall, to the extent that annual premium increases exceed ten percent (10%) per annum, contribute towards their monthly insurance costs in an amount representing one-half (1/2) of the monthly premium costs in excess of the ten percent (10%) per annum, and authorize the City to continue to deduct said contribution amounts, if any, from payroll. All salaried full-time employees are covered by life insurance and accidental death and dismemberment policy. A manual is provided to employees at the time of hiring which further explains the policy. The manual is obtained from the City Clerk’s Office. The City Clerk’s Office must be notified of a divorce or legal separation of the covered employee, and further must be notified when a child is no longer eligible as a covered dependent of the employee. (Ord. No. 1711; 11-25-13)

2. **Other Types of Insurance.** All classifications of employees will be covered by the provisions of Social Security legislation, and salary deductions will be made in accordance with the law. Employees are covered by the Workers’ Compensation Act, Illinois Compiled Statutes, Chapter 820, Section 305/1 et seq. Any work-related injury must be reported to the Elected Official/Department Head.

All employees are covered by unemployment insurance. All costs shall be paid by the City of Staunton.

(C) **Training.** For meetings and seminars, employees may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations, when such attendance would benefit the employee’s ability to perform the job, and is approved in advance by the Elected Official/Department Head.

For any training programs conducted after regular working hours, such training shall be voluntary unless arrangements for such training includes the granting of overtime.

All employees shall be reimbursed for mileage expenses incurred while attending assigned schools outside of Macoupin County, Illinois. Upon receipt of a notice to attend the training school, the employee will request the use of a departmental vehicle to transport those attending to and from school. If a departmental vehicle is not available, reimbursement shall be made for the employee’s use of their personal vehicle. When two (2) or more persons attend the same school at the same time the Elected Official/Department Head may require that only one (1) person will be eligible to receive reimbursement for travel. The rate of reimbursement shall be established at the rate used by the Internal Revenue Service.

(D) **Death Benefits.** Each employee shall fill out a designation of beneficiary form. Upon the death of an employee, the designated beneficiary shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation, such sums for any accrued vacation period to which the employee
was entitled to at the time of death. Such payment shall be computed by multiplying the employee’s daily rate of pay by the number of days of accrued vacation at the time of death.

Upon the death of an employee, the estate shall receive any unpaid compensation, accrued overtime, or other benefits the employee would have been allowed had the employee survived.

Family members of deceased employees should contact the City Clerk’s Office for explanation of any further benefits the family members or the estate of the deceased employee may be entitled to.

(E) Travel. Staff vehicles are to be used only for activities directly related to the conduct of business. Under no circumstances are the vehicles to be used for personal activities. Reimbursement is provided for the use of employee’s private vehicles for official business at the rate established by the Internal Revenue Service for actual mileage traveled. Private vehicles will only be used when Department vehicles are not available and prior approval is given by the Elected Official/Department Head. *(Ord. No. 1418; 05-29-07)*

(F) Reimbursement of Other Expenses. An employee shall be allowed reimbursement for the actual cost of meals in accordance with these rules but not to exceed the rates indicted in the reimbursement schedule. It is not necessary for the traveler to submit receipts when receiving per diem. It is necessary to submit receipts when receiving reimbursement for individual meals.

For breakfast, an employee only will receive reimbursement if the employee is on travel status and leaves headquarters or residence at or before 7:00 A.M.

For dinner, an employee must be on travel status and arrive back at the headquarters or residence at or after 8:00 P.M. For employees commencing travel after the close of business but before 6:00 P.M., reimbursement for dinner is allowed.

Advance per diem checks must be requested a minimum of three (3) days in advance. A per diem allowance is available only when overnight lodging is obtained or when the travel assignment is eighteen (18) hours or more. A per diem allowance provided in the reimbursement schedule represents the maximum daily amount allowable and is given in lieu of a meal allowance. Receipts must be submitted to support allowances other than meals when on per diem.
Reimbursement Schedule.

Automobile Mileage - Internal Revenue Service Rate (Proof of automobile liability insurance is required to obtain automobile mileage reimbursement) (Ord. No. 1418; 05-29-07)

Per diem allowance/IRS per diem rate for various cities, as published in the GSA Publication (with receipts, per diem allowance is $40.00).

Breakfast - 20% of IRS published rate
Lunch - 30% of IRS published rate
Dinner - 50% of IRS published rate

If a conference fee includes a meal, the per diem allowance shall be reduced by the amount of the particular meal included in the reimbursement schedule.

In order to be reimbursed for business expenses, the employee must submit an expense log. This log must be signed by the employee submitting the expense claim and approved by the appropriate supervisor and division manager. An expense log should be submitted to the accounts payable clerk and will be paid on the appropriate disbursement date. Liable expenses include but are not limited to meals, conference fees, hotel and motel accommodations, taxi fares, parking and toll fees. Personal expenses, such as personal phone calls, in-room movies and bars, or other entertainment will not be reimbursed. Receipts must accompany travel requests for reimbursement.

Non-reimbursable expenses include, but are not limited to, alcoholic beverages, personal entertainment, valet service, magazines and newspapers.

Gratuities shall be reimbursed to a maximum of fifteen percent (15%) except for those departments, programs, or projects which are prohibited by Federal or State rules or regulations from making reimbursements for gratuities.

Employees traveling overnight shall be reimbursed for one (1) phone call to their home phone number with a Five Dollar ($5.00) limit for the call. When a delay occurs in traveling, then the employee shall be reimbursed for one (1) additional phone call to their home phone with a Five Dollar ($5.00) limit for reimbursement.

12-1-9 REGULATIONS AND RESTRICTIONS.

(A) Accidents/Injuries. Anytime an employee is involved in an automobile accident with a City automobile or in a personal automobile while on City business, the employee shall notify his or her Elected Official/Department head immediately with all pertinent information including whether personal injury is involved and whether any traffic citations were issued. All Elected Officials/Department Heads shall within twenty-four (24) hours notify the City Attorney’s Office if any traffic citations were issued to a City employee and shall provide the City Attorney with a copy of the citations. An employee is obligated to cooperate with the City and any of the City’s legal representatives regarding the accident and any citations that may have been issued.

(B) Appearance. Neatness and good taste in dress, as well as care toward personal hygiene, are expected of all employees. For safety and hygienic purposes, employees may be required to comply with any appropriate dress code that is set forth by the Elected Official/Department Head during the performance of their duties.
Employees may be requested to change inappropriate dress, and work lost while doing so will not be compensated by the department. Employees may be evaluated on their dress and appearance. The Elected Official/Department Head is the only individual of each department who may make exceptions to the dress code.

(C) **Use of Department Property.** All department property and equipment entrusted to any employee will be used in accordance with the property’s prescribed function. All damage through recklessness, gross negligence, intentional act, deliberate misuse, or theft shall be replaced and paid for by the employee committing the violation. Such replacement of property by the employee shall not be considered the exclusive remedy against the employee, and the employee may still be subject to discipline. All department property, personal lockers, and personal offices are subject to search and seizure. All department property shall be inspected by the employee’s immediate supervisor prior to issuance of the property.

No department property shall be used for private or unauthorized purposes. All employees are required to return all department property or equipment in their possession upon separation, promotion, and/or transfer.

(D) **Reserved.**

(E) **Correspondence and Communications.** No employee shall use their official position, engage in official transactions or business to harass any individual or to secure a benefit for himself or other individuals. Courtesy should be given in all communications and correspondence, and all employees should refrain from unnecessarily criticizing any individuals or agencies concerning official transactions or business.

(F) **Smoking.** Smoking by City employees will only be allowed in designated areas, including smokeless tobacco.

(G) **Photo I.D.’s.** The City Council may issue a photo I.D. card for employees.

All employee who are issued a shield badge and/or photo I.D. are required to be in possession of the badge and/or photo I.D. on and off duty. Employees will not use their shield or identification card for personal business or personal gain. If a shield or identification card is lost or stolen, it must be reported in writing to the director without delay.

(H) **Speech and Dissemination of Information.** Employees are encouraged to appear before civic organizations, fraternal organizations or any other group in an official capacity. Employees must notify the Elected Official/Department Head prior to accepting such speaking engagements.

Employees are cautioned against making statements or giving impressions regarding official agency policy or position without prior expressed authority being granted. Normally, the Elected Official/Department Head has the sole right to adopt and interpret the policies of the organization. If in doubt, it is always preferable to consult the Elected Official/Department Head before making any statements that might possibly be misinterpreted or misconstrued by the general public or press.
The Elected Official/Department Head will make all news releases concerning the department.

The City shall comply with the Illinois Freedom of Information Act, and employees are allowed to disseminate information pursuant to the Act. However, employees are not allowed to disclose any information that is exempted by Illinois Freedom of Information Act or prevented from disclosure by any other state statutes.

(I) **Relations with Creditors.** The City will charge employees any authorized costs when making wage deduction pursuant to court order or State or Federal statutes.

(J) **Possession of Fire Arms.** Unless authorized by the Chief of Police, and unless authorized by the appropriate Elected Official/Department Head, no employee of any department has legal authority to carry weapons while in the performance of their official duties.

(K) **Ethics.** Employees will not recommend or promote the sale of any specific brand name product or equipment.

Many employees in the course of their work have access to medical information about patients, clients, employees, or other individuals. This may be medical, legal or job related information. Such information is not to be repeated or discussed outside the department or with other personnel unless such information is a necessary part of the employee’s assigned duty.

Employees shall inform the Elected Official/Department Head of any possible conflict of interest situations they may have.

Employees are prohibited from accepting gifts, gratuities, or any item of value for work performed on behalf of the department.

(L) **Other Employment.** Employees are prohibited from having conflicting employment while having a full-time position. An employee may not be paid by another employer for the same **forty (40) hour** period employee is being paid by the department. If a full-time employee performs outside services or employment, such services or employment must be reported to the Elected Official/Department Head for prior approval, and advance notification must be given by the employee to the Personnel Department.

Fees earned by an employee for serving as an instructor for a class during other than normal working hours which is not sponsored by the department in another community agency, will be dealt with as follows:

(1) No overtime will be earned and the fee retained, or;

(2) Overtime will be earned and the fee surrendered to the City Clerk and recorded as miscellaneous income.

Employees who are injured while engaging in other employment must notify the Elected Official/Department Head and the City Clerk.

(M) **Physical Examinations.** Each applicant for employment may be required to successfully complete a pre or post-offer physical examination by a doctor of the employer’s choice, including submission to drug and alcohol testing upon the request of the City. At any time, employees may be required to submit to a physical examination. As a condition of their employment, the employees of the department
must authorize the release of medical testing information including drug and alcohol screens to the City for departmental use only.

Each employee authorized to carry and use a gun while at work for the City, and all employees engaging in heavy manual labor as their principal form of job activity for the City may be required to submit to an annual physical exam and/or drug screens by a doctor of the employer’s choice. All part-time employees of the City, as well as all full-time non-union employees of the City, shall be subject to random drug testing, as well as continued testing performed for probable cause. For purposes of this Section, probable cause shall automatically include situations where the employee is involved in an auto or other accident during work, as well as being involved in an accident which results in injury to the employee or others. Testing shall be administered in accordance with, and deemed to return positive results, in accordance with Department of Transportation standards. Any employee refusing to submit to random testing, or who shall take any substance in an attempt to defeat the drug or alcohol test, shall be subject to discipline, up to and including termination. **(Ord. No. 1538; 06-14-10)**

**N** Reimbursement of Cost of Training. If an employee leaves the department’s employment before the completion of three (3) years from the initial date of employment, that employee will be liable for all costs incurred in the employee’s selection, background investigation, equipment issue and training, prorated over a three (3) year period. Incurred training costs will be deducted from any remaining paychecks.

**O** Prescription Drug Use. Any employee who is taking prescription or over-the-counter drugs or medication which may impact on abilities to perform work shall report the use of the drugs or medications to the immediate supervisor, along with the name and address of any medical doctors prescribing the medication.

**P** Drug Free Workplace. All employees, as a condition of employment, will comply with the City’s Drug Free Workplace Policy, attached to this Code as Appendix A.

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12-1-10 RIGHTS OF EMPLOYEES.

(A) Personnel File. Employees are allowed to look at their own personnel files during normal business hours. Persons wishing to view their own file shall file a written request with the Elected Official/Department Head or designated representative. A copy of said request shall be placed in the employee’s personnel file. Nothing should be placed in an employee’s personnel file nor shall anything be removed from the file without the consent of the Elected Official/Department Head. Records of prior grievances and discipline action shall be maintained in the employee’s personnel file. The final decision to remove items lies within the discretion of the Elected Official/Department Head.

(B) References. Employees or former employees have the right to obtain references or recommendations. Such references shall provide the applicable date of hire and the last date employed, and a general description of the applicable job duties. Additional comments concerning the employee or former employee’s job performance dependabilities lies within the sound discretion of the Elected Official/Department Head.
(C) **Safety.** The Elected Official/Department Head shall implement any safety procedures adopted by the City, and employees shall comply with any of the safety procedures.

All department employees are directed to report any hazardous conditions to their supervisor immediately.

Due to the open-office design of many department buildings, it is impossible to provide security for personal belongings left unattended. Staff members are advised to keep their wallets, purses, etc. in their possession at all times. The department cannot be responsible for losses due to theft.

12-1-11 **RIGHTS OF EMPLOYER.** The employee recognizes that the City possesses the exclusive right to operate and direct the employees of the City in all aspects, including, but not limited to, all rights and authority granted by law.

The employee further recognizes that this code is not a binding contract between the City and the employee. Nothing contained in this Code shall be construed as creating an employment agreement between the City and its employees from time to time.

The City has the right to unilaterally create new employment policies and regulations not mentioned in this code, and to change provisions of this Code without prior notice, approval or consent of the employees of the City.

The employer has the ultimate responsibility for proper management including but not limited to responsibilities and the right for the following:

(A) To maintain executive management and administrative control of the department and its property, facilities and staff.

(B) To hire all employees and to determine their qualifications and the conditions for their continued employment or their dismissal or demotion.

(C) To direct, supervise, promote, suspend, discipline, terminate, assign and schedule employees.

(D) To relieve employees from duties because of a lack of work or funds, or under conditions where continued work would be inefficient or nonproductive or under conditions as may be deemed necessary or advisable by the department.

(E) To determine services to be rendered, operations to be performed, utilization of technology and budgetary matters.

(F) To determine the methods, processes, means, job classifications and personnel by which the operations of the department are to be conducted.

It is recognized that the employer normally exercises most of the powers, rights, authorities, duties and responsibilities through and with the cooperation of the administrative staff.

12-1-12 **LENGTH OF SERVICE.** Length of service is defined as the length of continuous service of an employee since the employee’s last date of hire with the City within the employee’s department. In the event an employee is transferred from or to another department of the City, the employee’s total continuous employment with the City will be used as the basis for vacation and sick leave only.

An employee’s continuous service record shall be broken by voluntary resignation or discharge. If such continuous service is broken due to curtailment of operation, said employee shall be considered on layoff.
EXEMPTIONS. All employees that are governed by a collective bargaining agreement between the employer and a union are exempt from the Code. All employees covered through Staunton’s Police Union are exempt from this Code as to hiring, promotion, discipline or dismissal, but are otherwise covered by this Code.

DISCIPLINE AND THE RIGHTS OF EMPLOYEES AND THE CITY OF STAUNTON. The City is an employment entity in the State of Illinois and as such is an at-will employer.

(A) Corrective Action. When it is evident that an employee is not performing up to standards, supervisors are required to take corrective action. The extent of the corrective action will be determined by the seriousness of the situation. The corrective action could be a verbal warning, up to and including, termination. An example of instances which require immediate termination include, but is not limited to, theft or dishonesty, gross insubordination, destruction of City property, falsification of City records, acts of moral turpitude, violation of the Drug & Alcohol Abuse policy, disorderly conduct, and any other act for which the employee’s continued employment is deemed not in the best interest of the City. Discipline Form attached as Appendix C for documentation purposes.

(B) Inadequate Work Performance; Progressive Corrective Action. Supervisors must use a progressive approach to performance improvement. Such an approach will call for: (1) a verbal warning and request for improvement; (2) a written warning; (3) a final written warning; and/or (4) a suspension. If the employee’s behavior is not corrected following the final written warning and/or suspension, termination may result.

Progressive corrective action is a six-step process, when the unacceptable behavior is symptomatic of correctable behavior. The required approach is; prior to beginning the corrective action process, the Mayor and the Personnel Committee must be consulted. The six steps include: (1) a formal oral warning; (2) a formal written warning; (3) a formal final warning; (4) a suspension without pay; (5) a pre-termination hearing; and (6) termination. Termination is possible only with a recommendation from the Personnel Committee to the Mayor and with the advice and consent of the City Council after the pre-termination hearing has been concluded. However, if the situation warrants, the supervisor, in consultation with the Mayor and Personnel Committee, may skip one or more of these steps.

Employees being disciplined for poor performance should be given a minimum of thirty (30) days to correct and/or improve the performance before the next phase of corrective action is pursued. However, if an egregious infraction occurs before the end of thirty (30) days, the next step in the disciplinary process may be taken. Each step in the disciplinary process is effective for twelve (12) calendar months. If another incident of the type noted in the warning occurs within twelve (12) months, disciplinary action may be elevated to the next step. If the employee improves their performance and remains free of disciplinary issues for twelve (12) or more months, a new disciplinary action process must begin should the employee’s performance relapse. Discipline Form attached as Appendix C for documentation purposes.

(C) Code of Conduct. Disciplinary action may be brought against an employee for the following, including but not limited to:

1. Violating any provisions of this Personnel Code.
2. Knowingly falsifying a report.
3. Being insubordinate to or showing disrespect towards superiors.
4. Neglecting to perform the job or performing the job inefficiently.
Engaging in any conduct unbecoming of a City employee or that discredits the City.

Leaving the assigned job without permission.

Absence from work without leave or permission.

Willfully destroying or damaging any property of the City.

Taking or giving bribes.

Being under the influence of intoxicating beverages while at work.

Using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substances, or failing to report to the employee’s Elected Official/Department Head any arrest or conviction for using, manufacturing, distributing, dispensing or possessing any statutorily defined illegal drugs, narcotics, or controlled substance.

Failure of any employee to notify their Elected Official/Department Head within five (5) days after an arrest or conviction of a violation of any local, state, or federal criminal drug statute.

Using a City vehicle without the knowledge of the immediate supervisor.

Improperly operating a City vehicle or permitting an unauthorized person to operate a City vehicle.

Excessive unexcused absence from work or tardiness.

Possession of explosives, firearms or other dangerous weapons on City premises, unless otherwise permitted.

Use of overtime for other than work purposes.

Failure to follow any safety rules, regulations or manuals.

Gambling during working hours around City premises.

Sleeping on the job.

Being discourteous to the public.

Engaging in or instigating or causing an interruption or impeding work.

Substantial misrepresentation of facts and obtaining employment with the City.

The use or consumption of City property for personal or private purposes, or the use of City employees during working hours for such purposes.

Disorderly conduct during working time or on City premises, including fighting, interfering with work of another, or threatening or abusing any person by word or act.

Unauthorized use of City property such as City owned vehicles, equipment and materials.

Abuse of sick leave by misrepresentation of the leave request.

Violation of a written order of an Elected Official/Department Head.

Failure to pay legitimate debts, thus exposing the City to harassment by creditors.

Using profanity on the job.

Releasing confidential information.
(32) Using or attempting to use an official position to secure special privileges, exemptions, or personal gain except as may be otherwise provided by law.

(33) Engaging in disreputable acts and not conducting themselves with "good moral character".

(34) Abuse of telephone usage.

(35) Theft of any City or employee property.

(36) Discriminating against any person, individual, entity, co-employee, on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, sex harassment or any other prohibited form of discrimination under federal or state law or government contract or grantee regulations.

**Disciplinary Process are as follows:**

(1) **Oral Warning.** Supervisors issuing a verbal warning and request for performance improvement should document the warning. This record is kept in the department’s files, and a copy is given to the employee. Supervisors should be specific when giving verbal warnings, and should include how the performance or behavior falls short of expectations, what corrections must be made, and the consequences if the employee fails to take the corrective action requested. If the performance does not improve, then a written warning follows. Discipline Form attached as Appendix C for documentation purposes.

(2) **Written Warning.** As with the verbal warning, the written warning should document the specific performance deficiencies, steps necessary to correct the deficiencies, and the consequences of failing to correct the behaviors. The formal written warning is given to an employee whose response to a verbal warning has been insufficient. Supervisors must work with the Personnel Committee when preparing written warnings. A copy of this and any other written warnings is kept in the department, provided to the Personnel Committee for inclusion in the employee’s personnel file, and a copy must be given to the employee. Discipline Form attached as Appendix C for documentation purposes.

(3) **Final Written Warning.** If the unacceptable performance or misconduct continues or recurs, the supervisor will consult with the Mayor and the Personnel Committee prior to issuing a final written warning. The warning must give a specific deadline for meeting the standards of performance or taking corrective action must be given, and must inform the employee that failure to improve to the required standard by the deadline will result in termination. A copy of the final written warning must be kept in the department files, with a copy to the Mayor, the Personnel Committee Members, and to the employee. If, after the issuance of the final written warning, the employee’s performance still fails to meet expectations, termination is the next step. However, prior to termination, the employee must be provided an opportunity to hear the reason(s) for termination is being
considered by the City. Between the time the City decides
termination is necessary and the actual pre-termination meeting is
conducted, the employee will be placed on paid administrative
leave while the department documents its rationale. Discipline
Form attached as Appendix C for documentation purposes.

(4) **Suspension.** Suspension of an employee would be at the
recommendation of the employee’s immediate supervisor and with
the approval of the Mayor and the Personnel Committee with
notice to the City Council. A Personnel Committee meeting must
be held within **seventy-two (72) hours** to review the cause for
suspension. If the suspension is recommended by the Personnel
Committee and approved by the Mayor, the suspension will result
in a loss of salary for the period of the suspension. Upon return
to work the suspended employee will be placed on probationary
status for a period not to exceed **six (6) months**. If the
employee violates the conditions of the probation, the employee
may be subject to termination. Removal from probationary status
is based upon satisfactory completion of a probationary period, a
recommendation from the employee’s immediate supervisor, and
the approval of a majority vote of the City Council. The period of
suspension may be up to, but not exceeding **thirty (30) days** off
without pay in **one (1) calendar year**. The suspension may
include demotion at the recommendation of the immediate
supervisor and approval by a majority vote of the City Council.
Discipline Form attached as Appendix C for documentation
purposes.

(5) **Pre-Termination Hearing.** The pre-termination meeting is
conducted under the direction of the Mayor and the Personnel
Committee. At the hearing, the department delineates its reasons
for considering termination of the employee. The employee, who
can be accompanied by a representative of their choosing if
desired, will be given time to present evidence to address the
department’s points. Upon completion of the hearing, the Mayor
and the Personnel Committee will make a decision regarding the
recommendation to be made to the City Council regarding the
employee’s future employment with the City.

(6) **Termination.** A majority vote by the City Council to accept the
recommendation to terminate is required. If termination is
decided upon, the employee will receive written notification of the
action being taken, the reasons leading to the action, the date the
action will occur, and what steps should be followed if they decide
to appeal the termination.

(E) **Gross Misconduct.**

(1) **Definition.** Gross misconduct refers to acts or omissions on the
part of employees which are symptomatic of intolerable behavior.
Gross misconduct includes the following: theft or dishonesty;
gross insubordination; willful destruction of City property;
falsification of records; acts of moral turpitude; reporting for duty
under the influence of intoxicants; the illegal use, manufacturing, possessing, distributing, purchasing or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; and other similar acts involving intolerable behavior by the employee. In the event of gross misconduct, the employee may be placed on paid administrative leave by the employee’s supervisor pending an investigation. The Mayor and the Personnel Committee must be notified immediately. Discipline Form attached as Appendix C for documentation purposes.

(2) When a theft, shortage, or questionable loss of City funds or property has occurred and an employee is suspected, the Mayor and the Personnel Committee must be contacted immediately and the employee will be placed on paid administrative leave during the investigation. The Mayor and the Personnel Committee, along with the Staunton Police Department as needed, will investigate the situation and, if gross misconduct is confirmed, the employee will be recommended for a Pre-Termination Hearing. The employee should be notified of the charge and supporting evidence, and be given the opportunity to respond to the decision. Discipline Form attached as Appendix C for documentation purposes.

(3) **Pre-Termination Hearing.** The pre-termination meeting is conducted under the direction of the Mayor and the Personnel Committee. At the meeting, the department delineates its reasons for considering termination of the employee. The employee, who may be accompanied by a representative if desired, will be given time to present evidence to address the department’s points. Upon completion of the meeting, the department, in consultation with the Mayor and the Personnel Committee, the City Council will come to a decision by a majority vote regarding the employee’s future employment with the City. If the investigation identifies a less severe infraction on the employee’s part, other disciplinary action may result.

(4) **Termination.** If termination is decided upon, the employee will receive written notification of the action being taken, the reasons leading to the action, the date the action will occur, and what steps the former employee should follow if they wish to appeal the termination. The termination will become final when the final decision is submitted to the City Council for review and a vote. A majority vote of the Council is required to accept the recommendation for termination and execute the recommendation.

(F) **Political Activities.** No form of discipline can occur because of any employee’s political activity or political beliefs. This prohibition on discipline does not apply to individuals in policy making or confidential positions or where an overriding interest or vital importance exists which requires that an employee’s political beliefs and activities conform to those of the City’s Elected Official/Department Head.
The City also recognizes that false accusations can have serious affects on innocent men and women. We trust that all employees will continue to act in a responsible and professional manner to establish a pleasant working environment free of discrimination.

**Ord. No. 1618; 02-27-12**

**12-1-15 GRIEVANCE PROCEDURE.** The purpose of a grievance procedure is to establish and maintain harmonious and cooperative working relationships between the City and its employees, to assure equitable treatment of employees, and to provide expeditious means of resolving employee dissatisfaction over circumstances or conditions of employment.

Strict adherence to the grievance procedures and time limits is mandatory, except that the time limits may be extended for good cause.

A grievance is defined as a dispute, disagreement, complaint, or any matter concerning any terms or conditions of employment, or concerning the application of any departmental policy, or concerning any employee relationship, or work related issue.

As used in this Section, the term days shall mean working days of the employee filing the grievance.

At any step, if a written response is not provided to the grieving employee within the ten (10) day time frame, the grievance will be considered denied at that step, and the employee may proceed to the next step.

If any Department Head is disciplined and/or discharged by the Mayor with the advice and consent of the City Council, the discipline and/or discharge shall constitute the final resolution of the matter and there shall be no access in this instance to the various steps of the grievance procedure. The failure of a reappointment of the Department Head by the Mayor shall not be interpreted to constitute discipline and/or discharge of an ongoing employment relationship with the City.

**Steps:**

1. A grieving employee shall within five (5) days after he learns of the circumstances or conditions which prompted the grievance, submit the grievance to the employee’s immediate supervisor, in writing, informing such immediate supervisor of the grievance and the particulars concerning the same. The immediate supervisor shall provide a written response to the grieving employee within ten (10) days after receiving the grievance.

2. If the grievance is not resolved to the employee’s satisfaction, the employee may submit the grievance to the Mayor by summarizing the grievance in writing. The grievance must be submitted to the Mayor within five (5) days of the decision of the immediate supervisor.

For all other employees, the grievance shall be before the Mayor.

**12-1-16 LAYOFFS.** In the event it becomes necessary to layoff employees for any reason, employees will be laid off based on the following criteria: Employee’s knowledge, skills, and abilities in relation to positions available, lack of work, lack of funds, the employee’s length of service, the employee’s work recording including commendations as well as disciplinary action, the employee’s attitude and relations with other employees as well as other agencies and change in duties of the department. The employee shall receive two (2) weeks notice.
RESIGNATION. Sick leave, vacation and retirement fund benefits cease at midnight on the date of termination. Life and health insurance will cease at the end of the month of the termination. Employees may elect to continue participation in the plan on a self pay basis as provided by federal statutes. The employee will be paid for each day of accrued and unused vacation time. Monies accumulated in the employee’s retirement account may be refundable, according to IMRF Rules. Forms required to request this refund are available from the City Clerk’s office.
STAUNTON DRUG FREE WORKPLACE POLICY

PHILOSOPHY

Drug abuse affects all aspects of our lives - it threatens the workplace as well as the home, the school, and the community. The City must take a firm stance against illicit drug use. The use of drugs, which term for the purposes of this policy shall include alcohol in the workplace, is unacceptable since it can adversely affect health, safety, and productivity, as well as public confidence and trust. When drug use and/or involvement interferes with an employee’s efficient and safe performance of work responsibilities and/or reduces the employee’s dependability and accountability, it creates a problem for the whole organization.

Drug abuse inflicts notable human expense. Personal tragedies, feelings of anxiety and depression, and diminishing coping skills are reflected on an individual level. Dysfunctional and strained relationships mark the heavy burden felt by the families of the drug and alcohol abuser.

The cost of drug abuse, both on a personal and organizational level, is unacceptable. The rising incidence in substance abuse makes it imperative that the City combat this issue by implementing a zero tolerance policy of drug use in the workplace.

DRUG FREE WORKPLACE STATEMENT

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, is prohibited in the workplace. Controlled substance means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act. Disciplinary action, up to and including dismissal can be taken against employees for drug violations.

All employees will, as a condition of employment:

1. Agree not to manufacture, distribute, dispense or possess controlled substances or alcohol in the workplace.

2. Notify their respective Elected Official/Department Head of any arrest or conviction of any local, state or federal criminal drug statute no later than twenty-four (24) hours after such arrest or conviction.

3. Abide by the conditions set forth in this statement.

VIOLATIONS

1. Employees are subject to discipline, including discharge for violation of the above policy.

2. Require the satisfactory participation and completion of a State licensed drug rehabilitation program, as sanctioned by the employer.
3. The City shall notify the appropriate State Agency from which grant funds were received of the employee’s conviction within ten (10) days after receiving notice from an employee of any criminal drug statute conviction for a violation in the workplace.

EMPLOYEE ASSISTANCE

A referral network to assist those who may be experiencing problems with drugs and/or alcohol has been established for all City employees.

ADDITIONAL PROVISIONS

There is no requirement by the employer to keep an employee on active employment status who is receiving rehabilitative treatment if it is determined that the employee’s current use of drugs prevents the individual from performing work related duties or whose continuance on active status could constitute a threat to the property and/or safety of others. The employee shall pay for all costs of rehabilitation. The employee may use accumulated paid leave, or take unpaid leave pending treatment, at the discretion of the employer, and so long as the employee advised the Elected Official/Department Head of use or abuse of drugs prior to occurrence of reasonable suspicion.
EMPLOYEE NOTIFICATION OF PERSONNEL CODE
AND DRUG FREE WORKPLACE POLICY AND DISCLAIMER OF EMPLOYMENT

The Employee Code of the City is not intended to create any employment relationship with any employee that is contractual in nature. All employees are employed at the will of the City, and employees can be terminated at will. All employment policies of the City are subject to change without notice and/or approval of any employee. Any and all discipline and/or discharge procedures contained in this Code are illustrative in nature, and only provide examples of the manner in which employees may be disciplined or terminated. Any and all such procedures are not meant to be the sole or exclusive way in which discipline or discharge could occur.

By signing this disclaimer, the employee understands that the employment relationship between the employee and the City is NOT contractual in nature; that employment can be terminated at the will of the City, that all employment policies are subject to change without notice and/or approval of the employee; and that any and all discipline and/or discharge procedures contained in the Code are merely illustrative in nature, and are not meant to be the sole or exclusive manner in which discipline and/or discharge could occur.

I have been given a copy of the City’s Employee Code, originally adopted ____________ _________________, 1994.

I understand that contained within the Employee code is the Staunton Drug Free Workplace Policy. I have read and understood the Drug Free Workplace Policy, and agree to abide by its terms and conditions.

Name ________________________________

Date ________________________________

This form is to be retained by the City Clerk.
EMPLOYEE CODE: DISCIPLINE FORM

Date ____________________________________________

Employee Name ______________________________________

Employee’s Job Position ____________________________________________

City Department ____________________________________________

Department Head ____________________________________________

Type of Discipline (check one):

_____ Verbal Reprimand
_____ Written Reprimand
_____ Probation
_____ Suspension
_____ Dismissal

State the Section of the Employee Code violated:
Section _________________, Subsection _________________, Page Number ___________

State any Code of Conduct violation, listing the Code of Conduct Subparagraph Number
__________________________________________________________

State the facts which support the violation ____________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

__________________________________________________________

DATE _______________ __________________________

Elected Official/Department Head

DATE _________________ __________________________

(Signature of Employee)
SEXUAL HARASSMENT POLICY

PREAMBLE

The purpose of this policy is to (1) more clearly define sexual harassment, and (2) more clearly state the policy of the City of Staunton regarding such behavior. Sexual harassment is a violation of basic human rights fully recognized by the State of Illinois.

POLICY

It is the responsibility of each individual employee to refrain from sexual harassment, and it is the right of each individual employee to work in an environment free from sexual harassment. The City will not tolerate sexual harassment in any form. Nor will it tolerate false or malicious accusations of sexual harassment. The City will remain uncompromised in providing and preserving a professional atmosphere free from sexual harassment of any kind.

DEFINITION OF SEXUAL HARASSMENT

According to the Illinois Human Rights Act, sexual harassment is defined as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or
- (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating intimidating, hostile or offensive working environment.

The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991.

Once such example is a case where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity.

Other conduct commonly considered to be sexual harassment includes:

- **Verbal**: Sexual innuendoes, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- **Non-Verbal:** suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcall”, “smacking” or “kissing” noises.

- **Visual:** Posters, signs, pin-ups or slogans of a sexual nature.

- **Physical:** Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the courts is to assess sexual harassment by a standard of what would offend a “reasonable woman” or a “reasonable man”, depending on the gender of the alleged victim.

An example of the most subtle form of sexual harassment is the use of endearments. The use of terms such as “honey”, “darling”, and “sweetheart”, is objectionable to many women who believe that these undermine their authority and their ability to deal with men on an equal and professional level.

Another example is the use of a compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman in the workplace.

- “That’s an attractive dress you have on.”
- “That’s an attractive dress, it really looks good on you.”
- “That’s an attractive dress. You really fill it out well.”

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment, depending on the individual perceptions and values. To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach, or to err on the side of caution.

**RESPONSIBILITY OF INDIVIDUAL EMPLOYEES**

Each individual employee has the responsibility to refrain from sexual harassment in the workplace.

An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accordance with the Authority’s policy or a bargaining agreement, as appropriate.

An employee who either observes or believes herself/himself to be the object of sexual harassment is responsible for reporting the incident(s) to his/her supervisor or the EEO Officer.
RESPONSIBILITY OF SUPERVISORY PERSONNEL

Each supervisor is responsible for maintaining the workplace free of sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as you would deal with other forms of employee misconduct.

The courts have found that the organization as well as supervisors can be held liable for damages related to sexual harassment by a manner, supervisor, employee, or third party (an individual who is not an employee but does business with an organization, such as a contractor, customer, sales representative, or repair person).

Liability is either based on an organization’s responsibility to maintain a certain level of order and discipline, or on the supervisor acting as an agent of the organization. As such, supervisors must act quickly and responsibly not only to minimize their own liability but also that of the agency.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint, with seriousness, take prompt action to investigate it, report it and end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior considered sexual harassment but does not want to make a formal complaint. The agency’s Equal Employment Opportunity (EEO) Officer will consult with supervisors on the proper procedures to follow.

Supervisors must report any incidents or complaints of sexual harassment to the Authority’s EEO Officer on the date of the alleged occurrence, or the very next business day.

In addition, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

PROCEDURES FOR FILING A COMPLAINT

An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to both the supervisor and offending employee. It is not necessary for sexual harassment to be directed at the person making the complaint.

The following steps may also be taken: document or record each incident (what was said or done, the date, the time, and the place). Documentation can be strengthened by written records such as letters, notes, memos, and telephone messages.

No one making a complaint will be retaliated against even if the complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

The process for making a complaint sexual harassment falls into several stages.

- **Direct Communication.** If there is sexually harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior
stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

- **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor or the EEO Officer. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervisor or the EEO Officer.

- **Formal Written Complaint.** An employee may also report incidents of sexual harassment directly to the EEO Officer. The EEO Officer will counsel the reporting employee and be available to assist with filing a formal complaint. The EEO Officer will fully investigate the complaint, and advise the complainant and the alleged harasser of the results of the investigation.

- **Resolution Outside City.** It is hoped that most sexual harassment complaints and incidents can be resolved within an agency. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint must be filed within **one hundred eighty (180) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within **three hundred (300) days**.

An employee who is suddenly transferred to a lower paying job or passed over for promotion, after filing a complaint with IDHR or EEOC, may file a retaliation charge, also due within **one hundred eighty (180) days** (IDHR) or **three hundred (300) days** (EEOC) of the alleged retaliation.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

**TRAINING**

The EEO Officer is responsible for ensuring that supervisors and staff are trained and made aware of the full range of practices that might constitute sexual harassment.

**FALSE AND FRIVOLOUS**

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.
APPENDIX “E”

AUTHORIZATION FOR INTERNET ACCESS

Each City Official and Employee must sign this Authorization as a condition for using the City’s Internet Connection. Please read this document carefully before signing.

All use of the Internet shall be consistent with the City’s goal of promoting productivity and technological excellence by facilitating resource sharing, innovation and communication. This Authorization does not attempt to state all required or prescribed behavior by users. However, some specific examples are provided. The failure of any user to follow the terms of the Authorization for Internet Access will result in the loss of privileges, disciplinary action, and/or appropriate legal action. The signature(s) at the end of this document is legally binding and indicates the party who signed has read the terms and conditions carefully and understands their significance.

Terms and Conditions.

1. **Acceptable Use.** Access to the City’s Internet Connection must be for the purpose of education or research, and be consistent with objectives of the City.

2. **Privileges.** The use of the City’s Internet Connection is a privilege, not a right and inappropriate use will result in cancellation of those privileges. The City Council will make all decisions regarding whether or not a user has violated this Authorization and may deny, revoke or suspend access at any time; their decision is final.

3. **Unacceptable Use.** You are responsible for your actions and activities involving the network. Some unacceptable uses are:

   a. Personal use;
   b. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any U.S. or State regulation;
   c. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
   d. Downloading copyrighted material for other than City use;
   e. Using the network for private financial or commercial gain;
   f. Wastefully using resources, such as file space;
   g. Gaining unauthorized access to resources or entities;
   h. Invading the privacy of individuals;
   i. Using another user’s account or password;
   j. Posting material authored or created by another without his/her consent;
   k. Posting anonymous messages;
   l. Using the network for commercial or private advertising;
m. Accessing, submitting, posting, publishing or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and

n. Using the network while access privileges are suspended or revoked.

4. **Network Etiquette.** You are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
   
a. Be polite. Do not become abusive in your message to others.
   
b. Use appropriate language. Do not swear, or use vulgarities or any other inappropriate language.
   
c. Do not reveal the personal addresses or telephone numbers of others.
   
d. Recognize that electronic mail (E-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
   
e. Do not use the network in any way that would disrupt its use by other users.
   
f. Consider all communications and information accessible via the network to be private property.

5. **No Warranties.** The City makes no warranties of any kind, whether expressed or implied, for the service it is providing. The City will not be responsible for any damages you suffer. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or your errors or omissions. Use of any information obtained via the Internet is at your own risk. The City specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. **Indemnification.** The user agrees to indemnify the City for any losses, costs, or damages, including reasonable attorney fees, incurred by the City relating to, or arising out of, any breach of this Authorization.

7. **Security.** Network security is a high priority. If you can identify a security problem on the Internet, you must notify the system administrator or department chairperson. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log-on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to network.

8. **Vandalism.** Vandalism will result in cancellation of privileges and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes, but is not limited to, the uploading or creation of computer viruses.
9. **Telephone Charges.** The City assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.

Employees and City Officials need only sign this *Authorization for Internet Access* once while employed or during term of office.

I understand and will abide by the above *Authorization for Internet Access*. I further understand that should I commit any violation, my access privileges may be revoked, and City disciplinary action and/or appropriate legal action may be taken. In consideration for using the City’s Internet Connection and having access to public networks, I hereby release the City of Staunton and its City Officials, Employees, and Agents from any claims and damages arising from my use, or inability to use the Internet.

Date __________________________  User Signature __________________________

Date __________________________  Department Head __________________________

Date __________________________  Mayor __________________________

*(Ord. No. 1148; 06-14-99)*
CHAPTER 14

FLOOD PLAIN CODE

14-1-1 PURPOSE. This Code is enacted pursuant to the police powers granted to this City by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2) in order to accomplish the following purposes:
(A) To prevent unwise developments from increasing flood or drainage hazards to others;
(B) To protect new buildings and major improvements to buildings from flood damage;
(C) To promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding;
(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
(F) To make federally subsidized flood insurance available; and
(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14-1-2 DEFINITIONS. For the purposes of this Code, the following definitions are adopted:

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 14-1-3 of this Code.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood.

BUILDING: A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days per year.

CRITICAL FACILITY: Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health.
Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

**DEVELOPMENT:** Any man-made change to real estate including, but not necessarily limited to:

(A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(B) Substantial improvement of an existing building;

(C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;

(D) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(E) Construction or erection of levees, dams, walls, or fences;

(F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(G) Storage of materials including the placement of gas and liquid storage tanks; and

(H) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

**FEMA:** Federal Emergency Management Agency.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**FLOOD FRINGE:** That portion of the floodplain outside of the regulatory floodway.

**FLOOD INSURANCE RATE MAP:** A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA):** They are synonymous. Those lands within the jurisdiction of the City that are subject to inundation by the base flood. The floodplains of the Ginseng Creek are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated **July 17, 1981.** The floodplains of those parts of unincorporated **Macoupin County** that are within the extraterritorial
jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for **Macoupin County** by the Federal Emergency Management Agency and dated **January 6, 1978**. Floodplain also includes those areas of known flooding as identified by the community.

**FLOODPROOFING:** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**FLOODPROOFING CERTIFICATE:** A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

**FLOOD PROTECTION ELEVATION OR FPE:** The elevation of the base flood plus one (1) foot of freeboard at any given location in the floodplain.

**FLOODWAY:** That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the City shall be according to the best data available from Federal, State, or other sources.

**IDNR/OWR:** Illinois Department of Natural Resources/Office of Water Resources.

**MANUFACTURED HOME:** A structure transportable in one (1) or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**NFIP:** National Flood Insurance Program.

**REPEETITIVE LOSS:** Flood related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

**SFHA:** See definition of floodplain.

**SUBSTANTIAL DAMAGE:** damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed **fifty percent (50%)** of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started.
“Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

**TRAVEL TRAILER (OR RECREATIONAL VEHICLE):** A vehicle which is:

(A) built on a single chassis;
(B) four hundred (400) square feet or less in size;
(C) designed to be self-propelled or permanently towable by a light duty truck; and
(D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**14-1-3 BASE FLOOD ELEVATION.** This Code’s protection standard is the base flood. The best available base flood elevation data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior any development of the site.

(A) The base flood elevation for the floodplains of Ginseng Creek shall be according to the best data available from Federal, State or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

(B) The base flood elevation for each floodplain delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the City of Staunton.

(C) The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the Flood Insurance Rate Map of the City shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated Macoupin County that are within the extraterritorial jurisdiction of the City, or that may be annexed into the City, shall be according to the best data available from Federal, State or other sources.

**14-1-4 DUTIES OF THE ZONING ADMINISTRATOR.** The Zoning Administrator shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this Code. Specifically, the Zoning Administrator shall:
(A) Process development permits in accordance with Section 14-1-5;  
(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 14-1-6.  
(C) Ensure that the building protection requirements for all buildings subject to Section 14-1-7 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;  
(D) Assure that all subdivisions and annexations meet the requirements of Section 14-1-8;  
(E) Ensure that water supply and waste disposal systems meet the Public Health standards of Section 14-1-9;  
(F) If a variance is requested, ensure that the requirements of Section 14-1-10 are met and maintain documentation of any variances granted;  
(G) Inspect all development projects and take any and all actions outlined in Section 14-1-12 as necessary to ensure compliance with this Code;  
(H) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;  
(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;  
(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;  
(K) Cooperate with State and Federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code; and  
(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Code.  
(M) Perform site inspections and make substantial damage determinations for structures within the floodplain.  
(N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

14-1-5 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Code.  
(A) Application Documents. The application for development permit shall be accompanied by:  
(1) drawings of the site, drawn to scale showing property line dimensions;  
(2) existing grade elevations and all changes in grade resulting from excavation or filling;
(3) the location and dimensions of all buildings and additions to buildings, and

(4) the elevation of the lowest floor (including basements) of all proposed buildings subject to the requirements of Section 14-1-7 of this Code.

(5) cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) **Elevation Comparisons.** Upon receipt of an application for a development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site’s first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this Code. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this Code. The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site’s first Flood Insurance Rate Map identification.

**14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.** Within all floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in Section 14-1-6(B), no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

1. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
2. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
3. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
4. Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
5. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
6. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
7. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
(8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;

(9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and

(10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and

(11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and

(12) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

(B) Other development activities not listed in (A) may be permitted only if:

(1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

14-1-7 PROTECTING BUILDINGS.

(A) Requirements. In addition to the damage prevention requirements of Section 14-1-6, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building valued at more than **One Thousand Dollars ($1,000.00)** or **seventy (70) square feet**;

(2) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this Code;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this Code.

(4) Structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)**;

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a
(6) Installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.

(7) Repetitive loss to an existing building as defined in **Section 14-1-2(Q)**.

**B Alternative Methods.** Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:
   - **a** The lowest floor (including basement) shall be at or above the flood protection elevation;
   - **b** The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation;
   - **c** The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
   - **d** The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
   - **e** The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or

2. The building may be elevated in accordance with the following:
   - **a** The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
   - **b** The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
   - **c** If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of **one (1) permanent opening** on each wall no more than **one (1) foot** above grade. The openings shall provide a total net area of not less
than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation;

(d) the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;

(e) the finished interior grade shall not be less than the finished exterior grade;

(f) all structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

(g) water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and

(h) the area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

(C) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) elevated to or above the flood protection elevation; and

(2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.

(D) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days shall meet the elevation requirements of Section 14-1-7(C) unless the following conditions are met:

(1) the vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and

(2) the vehicle must not be attached to external structures such as decks and porches; and

(3) the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and

(4) the vehicles largest horizontal projections must be no larger than four hundred (400) square feet; and

(5) the vehicle’s wheels must remain on axles and inflated; and

(6) air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and
(7) propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation; and
(8) the vehicle must be licensed and titled as a recreational vehicle or park model; and
(9) the vehicle must be either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(E) Non-Residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

(1) below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
(2) the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
(3) floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

(1) the garage or shed must be non-habitable; and
(2) the garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
(3) the garage or shed must be located outside of the floodway; and
(4) the garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and
(5) below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and
(6) all utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and
(7) the garage or shed must have at least one permanent opening on each wall no more than one (1) foot above grade with one (1) square inch of opening for every square foot of floor area; and
(8) the garage or shed must be less than **Seven Thousand Five Hundred Dollars ($7,500.00)** in market value or replacement cost whichever is greater or less than **five hundred (500) square feet**; and

(9) the structure shall be anchored to resist flotation and overturning; and

(10) all flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and

(11) the lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(G) A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(1) the building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

(2) any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of **one (1)** opening on each wall having a total net area of not less than **one (1) square inch per one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade; and

(3) the interior grade of the crawlspace below the flood protection elevation must not be more than **two (2) feet** below the lowest adjacent exterior grade; and

(4) the interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed **four (4) feet** at any point; and

(5) an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and

(6) portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

(7) utility systems within the crawlspace must be elevated above the flood protection elevation.

**14-1-8 SUBDIVISION REQUIREMENTS.** The City Council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.
(A) **Data Required.** New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 14-1-6 and 14-1-7 of this Code. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
2. The boundary of the floodway when applicable; and
3. A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

### 14-1-9 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of Sections 14-1-6 and 14-1-7, the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 14-1-7 of this Code.
2. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage.
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
5. Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.
All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

14-1-10 Variances. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant’s request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) Requirements for Variance. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

1. The development activity cannot be located outside the floodplain;
2. An exceptional hardship would result if the variance were not granted;
3. The relief requested is the minimum necessary;
4. There will be no additional threat to public health or safety, or creation of a nuisance;
5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
6. The applicant’s circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
7. All other required state and federal permits have been obtained.

(B) Notification of Applicant. The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 14-1-7 that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to Twenty-Five Dollars ($25.00) for One Hundred Dollars ($100.00) of insurance coverage;
2. Increase the risks to life and property; and
3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of Section 14-1-7 of this Code requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Section 14-1-9 (A)(1-5).
14-1-11 **DISCLAIMER OF LIABILITY.** The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Code or any administrative decision made lawfully thereunder.

14-1-12 **PENALTY.** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the Zoning Administrator may determine that a violation of the minimum standards of this Code exist. The Zoning Administrator shall notify the owner in writing of such violation.

(A) If such owner fails, after ten (10) days' notice, to correct the violation:

1. The City shall make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.

2. Any person who violates this Code shall, upon conviction thereof, be fined not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) for each offense; and

3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

4. The Zoning Administrator shall record a notice of violation on the title to the property.

(B) The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(C) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

14-1-13 **ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program including: City Code adopted **April 28, 1997.** However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants or deed restrictions. Where this Code and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 1219; 08-28-03)

(See 65 ILCS 5/1-2-1; 5/11-12-12; 5/11-30-2; 5/11-30-8 and 5/11-31-2)
CHAPTER 16
HEALTH AND SAFETY

ARTICLE I – TRASH COLLECTORS

16-1-1 Definitions. As used in this Chapter, the words, “garbage” and “rubbish” have the following meanings:
(A) “Garbage”. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.
(B) “Rubbish”. Combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; non-combustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, catch-basin dirt, contents of litter receptacles, provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.
(C) “Yard Waste”. Material such as tree branches, yard trimmings, leaves and grass.

16-1-2 License Required. No person shall engage in the business as a residential or commercial collector of garbage and rubbish unless having first made application and secured a license from the City. The fee shall be Fifty Dollars ($50.00) per year. (Ord. No. 1192; 12-10-01)

16-1-3 License. The license shall be for the calendar year of the City, commencing on January 1st and expiring on December 31st.

16-1-4 Application for License. Upon application for a license, the person applying for same shall furnish the City Clerk, along with the application, proof of insurance in the amount of Three Hundred Thousand/One Hundred Thousand Dollars ($300,000/$100,000) liability and property damage, and at that time, they shall file with the Clerk a rate schedule for services to be performed for a residential application. The rate schedule shall set forth the type of service to be offered and the price for same, including the size and number of cans per pickup for the charge, the charge for any extra cans, the charge for the bags, the size of the bags, and the charge for bundles and size of the bundles; also a rate schedule shall include an unlimited service charge; the schedule shall set forth whether this is once-a-week or twice-a-week pickup.
The rate schedule shall also set forth the day or days of each week that the collector shall schedule his pickup within the City. The rate schedule as filed shall be valid for one (1) year and the licensee shall not be permitted to increase the price on the schedule for a period of one (1) year from the date of filing of the rate schedule. The rate schedule shall be effective upon approval by the City Council.

16-1-5 TRUCK REQUIREMENTS; CLEANLINESS, ETC. The firm for the handling of collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish which is collected will be covered at all times or placed in containers that will be covered at all times, except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the City. The trucks and all containers in which garbage is collected and transported shall be cleaned daily and the collector shall not collect any garbage on any day without having a clean truck and hand containers if containers are used.

16-1-6 PARKED GARBAGE TRUCKS. No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the City except as provided for in Section 16-1-11, any longer than is necessary to pick up containers provided that the standing of such vehicle was made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this Code.

16-1-7 TRUCK WASTEWATERS. A garbage truck or other equipment shall not be washed on City streets or public property and will not be washed where the wastewaters will cause any offensive odors to adjoining property owners.

16-1-8 WINDBLOWN GARBAGE UNLAWFUL. It shall be unlawful to place garbage or rubbish in such a manner as to allow the same to be blown by the wind onto the property of other residents.

16-1-9 GARBAGE FALLING FROM TRUCK. It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the City; provided that this Code shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this Code, preparatory to having such material collected and disposed of in the manner provided herein.
16-1-10 **GARBAGE ON PREMISES UNLAWFUL.** The fact that garbage or rubbish remains on an occupant’s premises in the City in violation of this Chapter shall be prima facie evidence that the occupant of such premises is responsible for the violations of the Chapter occurring.

16-1-11 **LOCATION OF YARDS FOR EQUIPMENT.** A licensee shall designate the location of the yards on which his equipment will be parked while not in use and the equipment shall not be parked within the City limits unless the designated location shall not create, in the opinion of the City Council, any nuisance for adjoining property owners.

The licensee shall have as additional equipment, a truck for the disposal of large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pickups such equipment at least one (1) day each week, or on such additional days as may be necessary to satisfy the needs of the public.

16-1-12 **INDUSTRY, CONSTRUCTION, ETC.** Nothing in this Code shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or other matter not normally collected on a regular schedule and haulers of rubbish, not normally collected in regular collections, shall be excused from the requirements of obtaining a collector’s license as provided in this Chapter.

16-1-13 **REVOCATION OF PERMIT.** If the licensee fails to perform any service according to his application and rate schedule, the Mayor may revoke his permit.

*(See 65 ILCS 5/11-19-1 et seq.)*
ARTICLE II - DEBRIS

16-2-1 APARTMENT BUILDING DEBRIS. It shall be illegal to store personal property, personal effects or personal items in the hallways of apartment buildings located within the City. It shall also be illegal to permit waste, clutter, papers, debris and garbage to be placed or stored in the hallways of apartment buildings located within the City limits of the City of Staunton.

16-2-2 OWNER’S RESPONSIBILITY. Owners of apartment buildings shall not allow their tenants to store personal property, personal effects or other personal items in the hallways of such apartment buildings. The owners of apartment buildings shall not allow their tenants to store or place in the hallways of such apartment buildings clutter, waste, paper, garbage or other debris.

16-2-3 STORAGE. Should the owner of any apartment building allow the storage of personal property, personal items or personal effects or allow the storage or accumulation of waste, garbage, clutter and debris in the hallways, the owner of such apartment building shall be notified by certified mail of that fact and be given three (3) days in which to remedy the situation. Should the situation not be remedied after three (3) days notice, the City shall have the right to enter such apartment building and remove the items from the hallway and dispose of the same. Any bills or expense incurred by the City in removing it, disposing of such items, shall be billed to the property owner.

[ED. NOTE: See Section 1-1-20 or 1-1-21 for penalty.]
ARTICLE III – OPEN BURNING

16-3-1  DEFINITIONS. Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

“Agricultural Waste” means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

“Garbage or Household Trash” means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products, including plastic containers.

“Landscape Waste” means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

“Open Burning” means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

16-3-2  BURNING PROHIBITED. It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

16-3-3  RESTRICTIONS ON BURNING OF LANDSCAPE WASTE. The burning of landscape waste shall be permitted only on the following conditions:

(A) All landscape waste shall be burned on the premises on which such waste was generated; and

(B) Landscape waste consisting solely of leaves may be burned in a ditch adjoining the roadway next to the property, however, the property owner is responsible for removing all post-burn residue generated by said leaf burning from the ditch, and said owner is also expressly responsible for meeting the requirements of paragraphs (D) and (F) below; and

(C) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and

(D) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(E) Open burning of landscape waste from December 16 through October 14th may only take place on Fridays and Saturdays, from sunrise to sunset, with a person over eighteen (18) years of age in attendance during the entire period of burning. Open burning of landscape waste from October 15 through December 15 may only take place from sunrise to sunset, with a person over eighteen (18) years of age in attendance during the entire period of burning. (Ord. No. 1506; 11-09-09)

(F) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(G) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous. (Ord. No. 978; In Part)

(H) No open burning shall be permitted within twenty-five (25) feet of any structure. (Ord. No. 1303; 09-12-05)

16-3-4  EXCEPTIONS. Devices commonly known as outdoor fireplaces such as chimineas, and charcoal/gas grills are excepted from the requirements of this Article, so long as said devices are not utilized for, and are not designed to have as their primary purpose, the burning of landscape waste or materials otherwise prohibited from burning by this Article, and are instead burning wood in the case of the outdoor fireplaces, and charcoal/propane/natural gas in the case of outdoor grills.
Furthermore, outdoor wood-burning fireplaces whose primary purpose is to provide heating for an attached residence are also exempted from the requirements of this Article. (Ord. No. 1303; 09-12-05)

16-3-5 PERMITS. Any individual, business, or organization seeking in advance to deviate from the requirements of this Article, shall first seek and obtain, in writing, the permission of both the City Council and Fire Chief, and shall agree as part of said burn permit approval process to be fully responsible for fire protection on the property where the burn is to be located, and for any and all resulting property damage from said fire related activity. Persons seeking to obtain a burn permit shall pay at the time of filing of the application, a non-refundable fee to the City in the amount of One Hundred Dollars ($100.00) per application, and shall also provide the following information: name, address and phone number of the City resident who agrees to assume liability for the requested burning; the date of the proposed burn; the time frame of the proposed burn; the purpose of the proposed burn; and any and all other information which the applicant feels may be relevant for consideration by the City Council. Said burn permit application is to be dated and filed with the City Clerk's office no less than one (1) month prior to the proposed burn date so as to allow adequate time for consideration and deliberation by the City Council. Under no circumstance shall the applicant be granted permission to burn materials otherwise prohibited to be burned by City Ordinances and/or State and Federal laws and regulations. (Ord. No. 1303; 09-12-05)

16-3-6 LANDSCAPE WASTE DUMPING AUTHORIZED. Citizens of Staunton are hereby authorized, in accordance with the provisions of this Section, to deposit their own residential Landscape Waste at the City's lagoon property located at 1217 Bunker Hill Road, Staunton, Illinois. Deposits are to be made outside the entrance gate on top of the existing pile located just Southeast of the entrance gate in the small clearing next to the drive.

Staunton residents interested in dumping landscape waste shall first be required to secure a license allowing same from City Hall. Individuals who apply and pay for a license to dump shall receive an annual license as in the form of a sticker, which license shall be good from January 1 through December 31 of the year in which the license/sticker was issued. Fees to authorize dumping shall be assessed at Five Dollars ($5.00) for the remainder of calendar year 2012, and Fifteen Dollars ($15.00) per year thereafter, subject to modification by Resolution by the City Council.

The lagoon dump site shall be secured by fence and locked gate, and dumping as authorized herein shall only be permitted during hours established by the City Council. Dumping occurring outside of the permitted hours or in any way in violation of this Section, shall subject the offender to prosecution and punishment as established herein. The initial permitted days/hours shall be on Wednesdays and Saturdays from 8:00 A.M. to Noon, provided that the gate is unlocked and the dump location is open.

The permit/license issued shall apply on a per-household basis. Proper identification shall be shown by any individual entering the lagoon premises, and the individual seeking to dump landscape waste must be a family member of the license/permit holder and residing at the same address as the permit/license holder.

No commercial deposits shall be permitted or authorized, nor shall any resident be permitted or authorized to deposit Landscape Waste from property other than their own. No bags or containers may be left behind. Only bio-degradable waste shall be deposited. No grass cutting/bagged-grass dumping shall be permitted. No construction materials, bricks, blocks, stone, treated lumber or treated landscape timber, fence wire, fabric, plastic of any kind, planters, steel, iron, garbage, junk, refuse, tires, paint cans, solvents or other bio-hazards or EPA controlled waste substances are permitted. Violations of this Section are punishable in accordance with the City's standard penalty provisions for Ordinance Violations, and may subject the violator to daily fines from One Hundred Dollars ($100.00) to Seven Hundred Fifty Dollars ($750.00) per occurrence, per day that the violation continues. (Ord. No. 1646; 10-22-12)
ARTICLE IV – HEALTH REGULATIONS

16-4-1 DENSE SMOKE. It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the City so as to cause annoyance or discomfort to the residents thereof.

16-4-2 ALLEYS OFF LIMITS TO GARBAGE TRUCKS.
(A) Unlawful Use. It shall be unlawful for all residents of the City of Staunton, except as otherwise noted herein, to deposit any containers or receptacles containing garbage, refuse or recyclable materials for the purpose of trash collection and pickup on or near any alleyway in the City of Staunton.
(B) Location of Receptacles. All trash containers placed for pickup and hauling by any public or private garbage or trash collection service or recyclers shall be placed on the curb of the main street or thoroughfare adjacent to the resident’s property from which the garbage or trash is to be collected and no earlier than twenty-four (24) hours prior to the time that the trash is to be collected.
(C) Trucks Prohibited. It shall be unlawful for any garbage truck or similar conveyance used for the purpose of trash collection and hauling or recycling to travel on the alleys or use any alley in the City for trash collection purposes.
(D) Exceptions. It shall be unlawful for any person to deposit containers in any place other than as above designated. However an exception shall exist for the following areas of Staunton where non-alley pickup is impracticable:
One block north of Main Street to one block south of Main Street (in the business district only).
Nothing in this Article shall affect the use of dumpsters on private property. However trucks shall not use alleyways to obtain access to dumpsters on private property, nor shall dumpsters be placed in such a manner that they are only accessible for pickup and collection from alleyways. (Ord. No. 981; 06-24-91)

16-4-3 HAZARDOUS WASTE MATERIAL. It shall be unlawful for any person to deposit anywhere within the City, or anywhere subject to the jurisdiction of the City, any domestic or industrial waste containing toxic substances or polychlorinated biphenyls (PCBs) or any other hazardous waste or chemicals. (Ord. No. 972)
CHAPTER 18
HOUSING
ARTICLE I – FAIR HOUSING CODE

18-1-1 DECLARATION OF POLICY.
(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other Laws; in order that the safety and general welfare, peace and health of all the inhabitants of the City may be ensured, it is hereby declared the policy of the City of Staunton, Illinois, 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 City of Staunton 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 City, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

18-1-2 DEFINITIONS. Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code.

(A) “Discriminate”. The terms “discriminate” or “discrimination” mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(B) “Housing Accommodation”. The term “housing accommodation” includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one (1) or more human beings, or any real estate so used, designed or intended for such use.
“Real Property”. The term “real property” means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the City of Staunton, Illinois.

“Real estate broker”. The term “real estate broker” means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

“Financial institution”. The term “financial institution” means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

“Owner”. An “owner” means any person/persons who holds legal or equitable title to, or owns 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.

“Decent, Sanitary, Healthful, Standard Living Quarters”. “Decent, sanitary, healthful standard living quarters” is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state and national codes.

18-1-3 PROHIBITED ACTS. It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other persons, or financial institution dealing with housing or real property in the City of Staunton, Illinois:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease or occupancy of any housing accommodation or real property in the City or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.

(H) For an owner to refuse to sell, rent or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed or disability of the proposed buyer or tenant.

18-1-4 PENALTY. Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Five Hundred Dollars ($1,500.00). Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the City of Staunton, Illinois, to specifically enforce, by any legal means, any of the provisions of this Code.

(Ord. No. 1086; 07-08-96)
CHAPTER 20
LIBRARY

ARTICLE I – LIBRARY BOARD

20-1-1 ESTABLISHED. There is hereby established a Public Library for the use and benefit of the inhabitants of the City to be known as the “Staunton Public Library”. (See 75 ILCS 5/1-2) (Sec. 7-2-1)

20-1-2 APPOINTMENT - COMPENSATION. The Mayor shall, with the approval of the City Council, proceed to appoint a board of nine (9) trustees for the Public Library, chosen from the citizens at large with reference to their fitness for such office. Not more than one (1) member of the City Council shall be (at any one time) a member of the Library Board. (See 75 ILCS 5/4-1)

Trustees of the Library Board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds. (See 75 ILCS 5/4-5)

20-1-3 TERM. The Mayor shall, before July 1st of each year, appoint three (3) trustees to take the place of the retiring trustees who shall hold office for three (3) years and until their successors are appointed. By and with the advice and consent of the City Council, the Mayor may remove any trustee as provided in Chapter 1, Article III of this Code. (See 75 ILCS 5/4-1.1)

20-1-4 VACANCIES. Vacancies shall be declared in the office of a trustee by the Board when the trustee declines or is unable to serve, or is absent without cause from all regular board meetings for a period of six (6) months, or is convicted of a misdemeanor for failing, neglecting, or refusing to discharge any duty imposed upon a trustee or becomes a nonresident of the City, or who fails to pay the library taxes levied by the corporate authorities. (See 75 ILCS 5/4-4)

20-1-5 OATH OF OFFICE; ORGANIZATION; MEETINGS.

(A) Within sixty (60) days after their appointment, the new trustees shall take their oath of office and meet to organize the board. The oath shall consist of the following:
“I, __________________ do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of trustee according to the best of my ability.”

(B) The first action taken at the organizational meeting of the Board shall be the election of a president and a secretary and such other officers as the Board may deem necessary, and the Board shall further provide in the bylaws of the Board as to the length of the terms in office. The trustees shall determine the time and place of all official meetings of the Board at which any legal action may be taken and shall post notice thereof at the public library maintained by the Board and at not less than one public place within the corporate confines of the area of library service one day in advance thereof. (See 75 ILCS 5/4-6)

20-1-6 CUSTODIAN OF FUNDS. The Library Treasurer shall be the custodian of all funds of the Library Board of Trustees. The cost of any bond necessary to satisfy the requirements of Chapter 75, Section 5/4-9 of the Illinois Compiled Statutes shall be borne by the library.

20-1-7 POWERS AND DUTIES. The Board of Library Trustees shall carry out the spirit and intent of this Chapter in establishing, supporting and maintaining a public library or libraries for providing library service and, in addition to, but without limiting other powers conferred by this Chapter shall have the following powers:

(A) To make and adopt such bylaws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with this Chapter.

(B) To have the exclusive control of the expenditure of all moneys collected for the library and deposited to the credit of the library fund;

(C) To have the exclusive control of the construction of any library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose;

(D) To purchase or lease real or personal property, and to construct an appropriate building or buildings for the use of a library established hereunder, using, at the Board’s option, contracts providing for all or part of the consideration to be paid through installments at stated intervals during a certain period not to exceed twenty (20) years with interest on the unpaid balance at any lawful rate for municipal corporations in this State, except that contracts for installment purchases of real estate shall provide for not more than seventy-five percent (75%) of the total consideration to be repaid by installments, and to refund at any time any installment contract entered into pursuant to this paragraph by means of a refunding loan agreement, which may provide for installment payments of principal and interest to be made at stated intervals during a certain period not to exceed twenty (20) years from the date of such refunding loan agreement, with interest on the unpaid principal balance
at any unlawful rate for municipal corporations in this State, except that no installment contract or refunding loan agreement for the same property or construction project may exceed an aggregate of twenty (20) years;

(E) To remodel or reconstruct a building erected or purchased by the Board, when such building is not adapted to its purposes or needs;

(F) To sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes, and to lease to others any real property not immediately useful, but for which plans for ultimate use have been or will be adopted, however, the corporate authorities shall have the first right to purchase or lease;

(G) To appoint and to fix the compensation of a qualified librarian, who shall have the authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees, subject to the approval of the library board, (but these powers are subject to Division I of Article 10 of the Illinois Municipal Code in municipalities in which that Division is in force). The Board may also retain counsel and professional consultants as needed; (See 65 ILCS 5/10-1-1)

(H) To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities and the provisions of this Chapter. This contractual power includes, but is not limited to participating in interstate library compacts and library systems, and contracting to supply library services and for the expenditure of any Federal or State funds made available to the municipality or to the State of Illinois for library purposes;

(I) To join with the board or boards of any one or more libraries in this State in maintaining libraries, or for the maintenance of a common library or common library services for participants, upon such terms as may be agreed upon by and between the boards;

(J) To enter into contracts and to take title to any property acquired by it for library purposes by the name and style of “The Library Board of Trustees of the City” and by that name to sue and be sued.

(K) To exclude from the use of the library any person who willfully violates the rules prescribed by the Board;

(L) To extend the privileges and use of the library; including the borrowing of materials on an individual basis by persons residing outside of the City. If the Board exercises this power, the privilege of library use shall be upon such terms and conditions as the Board shall, from time to time, by its regulations, prescribe and for such privileges and use, the Board shall charge a nonresident fee at least equal to the cost paid by residents of the City, with the cost to be determined according to the formula established by the Illinois State Library. The nonresident fee shall not apply to privilege and use provided under the terms of the library’s membership in a library system operating under the provisions of the Illinois Library System Act or under the terms of any reciprocal agreement with a public or private corporation or entity providing a library service or to a nonresident who is an individual or as a partner, principal stockholder, or other joint owner owns taxable property or is a senior administrative officer of a firm, business, or other corporation owning taxable property within the municipality upon the presentation of the most recent tax bill upon that taxable property,
provided that the privilege and use of the library is extended to only one such nonresident for each parcel of such taxable property.

(M) To exercise the power of eminent domain subject to the prior approval of the corporate authorities under the provisions of Illinois Compiled Statutes, Chapter 75, Sec. 5/5-1 and 5/5-2.

(N) To join the public library as a member in the Illinois Library Association and the American Library Association, non-profit, non-political, (501-C-3) associations, as designated by the federal Internal Revenue Service, having the purpose of library development and librarianship; to provide for the payment of annual membership dues, fees and assessments and act by, through, and in the name of such instrumentality by providing and disseminating information and research services, employing personnel and doing any and all other acts for the purpose of improving library development;

(O) To accumulate and set apart as reserve funds, portions of the unexpended balances of the proceeds received annually from taxes or other sources for the purpose of providing self-insurance against liabilities relating to the public library;

(P) To invest funds pursuant to the Illinois Compiled Statutes, Chapter 30, Section 235/1, et seq. (See 75 ILCS Sec. 5/4-7)

20-1-8 ADDITIONAL POWERS AND DUTIES. In addition to all other powers and authority now possessed by it, the Board of Library Trustees shall have the following powers:

(A) To lease from any public building commission created pursuant to the provisions of the Public Building Commission Act, as now or hereafter amended, any real or personal property for library purposes for a period of time not exceeding twenty (20) years; (See 50 ILCS Sec. 20/1 et seq.)

(B) To pay for the use of this leased property in accordance with the terms of the lease and with the provisions of the Public Building Commission Act, as now or hereafter amended;

(C) Such lease may be entered into without making a previous appropriation for the expense thereby incurred. However, if the board undertakes to pay all or any part of the costs of operating and maintaining the property of a public building commission as authorized in subparagraph (D) of this Section, such expenses of operation and maintenance shall be included in the annual budget of such Board annually during the term of such undertaking;

(D) In addition, the Board may undertake, either in the lease with a public building commission or by separate agreement or contract with a public building commission, to pay all or any part of the costs of maintaining and operating the property of a public building commission for any period of time not exceeding forty (40) years. (See 75 ILCS Sec. 5/4-7.1)
20-1-9  **SELECTION AND USE OF LIBRARY MATERIALS.** The Board of Library Trustees shall establish, and review at least biennially, a written policy for the selection of library materials and the use of library materials and facilities. No employee may be disciplined or dismissed for the selection of library materials when the selection is made in good faith and in accordance with the written policy required to be established pursuant to this Section. *(See 75 ILCS 5/4-7.2)*

20-1-10  **FREE TO PUBLIC.** The library established shall be free for the use of the inhabitants of the City, always subject to such rules and regulations as the Library Board of Trustees may adopt, in order to render the use of the library and reading room to the greatest benefit to the greatest number. *(See 75 ILCS 5/4-7)*

20-1-11  **ANNUAL REPORT.** Within thirty (30) days after the expiration of each fiscal year of the Municipality, the Library Board of Trustees shall make a report of the condition of their trust on the last day of the fiscal year to the City Council. This report shall be made in writing and shall be verified under oath by the secretary or some other responsible officer of the Library Board of Trustees. The report shall contain the following:

(A) An itemized statement of the various sums of money received from the Library Fund and from other sources;

(B) An itemized statement of the objects and purposes for which those sums of money have been expended;

(C) A statement of the number of books and periodicals available for use and the number and character thereof circulated;

(D) A statement of the real and personal property acquired by legacy, purchase, gift or otherwise;

(E) A statement of the character of any extensions of library service which have been undertaken;

(F) A statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the corporate authority and of the amount of money which, in the judgment of the Library Board of Trustees, it will be necessary to levy for library purposes in the next annual tax levy ordinance;

(G) A statement as to the amount of accumulations and the reasons therefore;

(H) A statement as to any outstanding liabilities including those for bonds still outstanding or amounts due for judgments, settlements, liability insurance, or for amounts due under a certificate of the board;

(I) Any other statistics, information and suggestions that may be of interest.

A report shall also be filed at the same time with the *Illinois State Library. *(See 75 ILCS 5/4-10)*
20-1-12 DONATIONS. Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title of the money or real estate so donated in the Library Board of Trustees to be held and controlled by the Board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the Board of Trustees shall be held and considered as special trustees. (See 75 ILCS 5/1-6)

20-1-13 DISTURBANCE PROHIBITED – PENALTY. Any person who shall create any disturbance while in the rooms of the Public Library, or who shall be guilty of any conduct calculated to annoy or disturb others in said library and who shall not cease said conduct when requested to do so by the Librarian or other person in charge, shall be subject to arrest under the provisions of this Chapter.

20-1-14 INJURY TO OR FAILURE TO RETURN BOOKS – PENALTY. No person shall maliciously cut, injure, deface, tear, or destroy any book, newspaper, periodical, or picture belonging to the Public Library. No person shall fail to return any book or books taken from the Library at the time when, by the rules of the Library, the same should be returned. The person shall promptly pay the fine provided for by the rules and regulations governing the Library, as the same have been or may be established by the Library Board of Trustees.

20-1-15 REFERENCE. The City Council does hereby include by reference, all provisions of Chapter 75; Paragraph 5/4, et seq. of the Illinois Compiled Statutes applicable to the City Library that are not provided heretofore.
CHAPTER 21
LIQUOR

ARTICLE I - GENERALLY

21-1-1  DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

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

“ALCOHOLIC LIQUOR” includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume. (See 235 ILCS Sec. 5/1-3.05)

“BEER” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. (See 235 ILCS Sec. 5/1-3.04)

“CATERER RETAILER” means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. (See 235 ILCS Sec. 5/1-3.34)

“CLOSE” means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

“CLUB” means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license.
under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. *(See 235 ILCS Sec. 5/1-3.24)*

**“CORPORATION”** means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the “Business Corporation Act” of Illinois. *(Rule 100.10(b))*

**“DISTILLED SPIRITS”**. See “Spirits”.

**“EVENT”** means a single theme. *(Rules and Regulations 100.10(o))*

**“HOTEL”** means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **twenty-five (25)** or more rooms are used for the sleeping accommodations of such guests and having **one (1)** or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. *(See 235 ILCS Sec. 5/1-3.25)*

**“MANAGER” OR “AGENT”** means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe. *(Rule 100.10(f))*

**“MAYOR”** means the Local Liquor Control Commissioner as provided in the Illinois Compiled Statutes, Chapter 235, entitled “Dramshop” and all references to Liquor Commissioner shall refer to the Mayor unless otherwise provided.

**“MEAL”** means food that is prepared and served on the licensed premises and excludes the serving of snacks. *(Rules and Regulations 100.10(n))*
“**ORIGINAL PACKAGE**” means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.  *(See 235 ILCS Sec. 5/1-3.06)*

“**PACKAGE LIQUOR STORE**” means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

“**PARTNER**” is any individual who is a member of a co-partnership.  “Co-partnership” means an association of two (2) or more persons to carry on as co-owners of a business for profit. *(Rules and Regulations 100.10(d)(e))*

“**PREMISES/PLACE OF BUSINESS**” means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. *(Rules and Regulations 100.10(g))*

“**PRIVATE FUNCTION**” means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

“**PUBLIC PLACE**” means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms “public place” and “public premises” shall be interchangeable for the purposes of this Chapter.

“**RESIDENT**” means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least one (1) year and in the city, village and county in which the premises covered by the license are located for at least ninety (90) days prior to making application for such license. *(Rule 100.10(a))*

“**RESTAURANT**” means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. *(See 235 ILCS Sec. 5/1-3.23)*

“**RETAILER**” means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. *(See 235 ILCS Sec. 5/1-3.17)*
“SALE” means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. (See 235 ILCS Sec. 1-3.21)

“SELL AT RETAIL” and “SALE OF RETAIL” refer to any mean sales for use or consumption and not for resale in any form. (See 235 ILCS Sec. 5/1-3.18)

“SPECIAL EVENT” means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. (See 235 ILCS Sec. 5/1-3.30)

“SPECIAL EVENTS RETAILER” means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license. (See 235 ILCS Sec. 5/1-3.17.1)

“SPIRITS” means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. (See 235 ILCS Sec. 5/1-3.02)

“TO SELL” includes to keep or expose for sale and to keep with intent to sell. (See 235 ILCS Sec. 5/1-3.22)

“WINE” means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. (See 235 ILCS Sec. 5/1-3.03)
ARTICLE II - LICENSES

21-2-1 LICENSE REQUIRED. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Mayor of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commissioner of the State of Illinois.

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. (See 235 ILCS Sec. 5/4-1)

21-2-2 APPLICATIONS. The Mayor is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Municipal Clerk, with the seal of his office affixed thereto.

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

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

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

(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G) 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 the aforesaid Act of the General Assembly or in this Chapter or resolution and amendments thereto.
(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least one (1) member of such partnership, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the Mayor, one (1) copy given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. (See 235 ILCS Sec. 5/7-1)

21-2-3 EXAMINATION OF APPLICANT. The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Mayor under this Section, he may authorize his agent to act on his behalf. (See 235 ILCS Sec. 5/4-5)

21-2-4 PROHIBITED LICENSEES. No retail license shall be issued by the Mayor to the following:

(A) A person who is not a resident of this municipality;
(B) A person who is not twenty-one (21) years of age;
(C) A person who has been convicted of a felony under any federal or state law if the Mayor determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
(D) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
(E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
(F) A person whose license has previously been revoked for cause;

(G) A person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application;

(H) A co-partnership, if any general partnership thereof or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason;

(I) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than five percent (5%) of such corporation, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence;

(J) A corporation unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the “Business Corporation Act of 1983” to transact business in Illinois;

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

(L) Any person, association, or corporation not eligible for a state retail liquor license;

(M) A person who is not of good character and reputation in the community in which he resides;

(N) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Code or has forfeited his bond to appear in court to answer charges for any such violation;

(O) A person who does not own the premises for which a license is sought, or does not rent nor have a lease thereon for the full period for which the license is to be issued;

(P) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and the Mayor.

(Q) A person who is not a beneficial owner of the business to be operated by the licensee;

(R) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1.1 of, or as proscribed by Section 28-3 of the “Criminal Code of 1961”, approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(S) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period; except those persons who are eligible to receive a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

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

(U) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal wagering stamp for the current tax period;

(V) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period. (See 235 ILCS Sec. 5/6-2)

21-2-5 TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chapter shall be valid for a twelve (12) month period upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The twelve (12) month period shall be from July 1st to June 30th of the following year.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Mayor as hereinbefore provided. A licensee may make arrangements to pay the liquor license fees quarterly. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation must submit the new manager's name and shall be submitted within thirty (30) days. Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have thirty (30) days to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. (See 235 ILCS Sec. 5/4-1)

21-2-6 CLASSIFICATION - FEE - LIMITATION. Every person engaged in the retail sale of alcoholic liquor in the City shall pay an annual license fee. Such licenses shall be divided into the following seven (7) classes:

(A) Class “A” License: Taverns. Class “A” licenses shall authorize retail sale on the premises specified of alcoholic liquor of all varieties for consumption on the premises, as well as retail sale of alcoholic liquor in the original package off premises. The annual fee for such license shall be Five Hundred Dollars ($500.00).

(B) Class “B” Licenses: Convenience Stores. Class “B” licenses shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold; such sales to be made in the original package only. Such license shall allow the sale of foodstuffs solely incidental and complementary to the sale of alcoholic liquors. The fee for such license shall be Five Hundred Dollars ($500.00).

(C) Class “C” Licenses: Grocery Stores. Class “C” licenses shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold; such sales to be made in the original package only and the major business of the licensee shall be
the sale of foodstuffs, and where such sale of alcoholic liquors is only incidental to such overall business. The annual fee for such license shall be **Three Hundred Fifty Dollars ($350.00)**.

(D) **Class “D” Licenses: Restaurants.** Class “D” licenses shall authorize the sale of alcoholic liquor at retail for consumption on the premises in conjunction with the operation of a restaurant. The annual fee for such license shall be **Four Hundred Dollars ($400.00)**.

(E) **Class “E” Licenses: Clubs.** Class “E” licenses shall authorize any club to sell alcoholic liquor on the premises at retail for its members and guests. The annual fee for such license shall be **Four Hundred Dollars ($400.00)**.

(F) **Class “F” Licenses: Civic Organizations, Etc.** Class “F” licenses shall authorize any charitable, educational or benevolent corporation or club or special organization to purchase a special daily license for the retail sale of alcoholic liquor for any special outdoor function or program, with such daily special license to be regulated by the closing hours of a Class “A” license. The fee for such daily license shall be **Twenty Dollars ($20.00)** per day, payable in advance and upon application.

(G) **Class “G” Licenses: Extended Hours Closing Permit.** Class “G” licenses shall only be issued to those individuals either presently holding or also applying for and receiving a Class “A” or “E” license. Class “G” licenses shall allow the license holder to extend its hours of operation as set forth in **Section 21-3-1.** The annual fee for such license shall be **Five Hundred Dollars ($500.00)**, and shall be in addition to the annual fee paid for the individual’s Class “A” or “E” license. **(See 235 ILCS Sec. 5/4-1)** **(Ord. No. 1330; 04-24-06)**

(H) **Limitation on Number of Licenses Issued.**

1. By separate ordinance, the City Council may set a limitation upon the number of licenses to sell alcoholic liquor at retail to be issued for each above classification of license. As licenses are revoked, expire without renewal, or for any reason cease to exist, the total number of licenses for each classification shall automatically be reduced until the total number of licenses issued for each class shall not exceed the number authorized by the City Council.

2. If any establishment selling alcoholic liquor is annexed to and becomes a part of the City, the various alcoholic liquor licenses as enumerated in this Section shall be increased in number only in the class which the annexed establishment qualifies provided the annexed establishment holds a current valid liquor license from the governmental entity from which the establishment was annexed and from the State of Illinois.

3. The following limits are established on the number of licenses to sell alcoholic beverages in the City:

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<th>Class</th>
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<td>Unlimited</td>
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**Ord. No. 1493; 06-22-09**

21-2-7 **NATURE OF LICENSE.** A license issued under this Chapter shall be purely a personal privilege, good for not to exceed one (1) year after issued unless sooner revoked as in this Chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death
of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. (See 235 ILCS Sec. 5/6-1) (See Attorney General's Report No. 703; 01-08-48)

21-2-8 LIMITATION OF LICENSES.
(A) Annexing License Holders. The restrictions contained in this Chapter shall in no way affect taverns and other business(es) holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the municipality. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

(B) Destroyed or Damaged Business. No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than ninety (90) days without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the ninety (90) day period, then, in that event, the Mayor shall extend the period of time for which a liquor license may be held by the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional ninety (90) days.

If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met. (See 235 ILCS Sec. 5/4-1)

21-2-9 DRAMSHOP INSURANCE. No license shall be issued or renewed hereunder unless the applicant shall file with the application or renewal a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant maintains valid and current Dramshop insurance which meets or exceeds the minimum coverages, at the greater of, either the below listed amounts, or at such higher amount as established and calculated on an annual basis by the State of Illinois by taking into account the statutory adjustments in increasing the below minimum coverages required by Illinois law:

(A) Bodily Injury Liability: $45,000 each occurrence
(B) Property Damage: $45,000 each occurrence
(C) Loss of Support/Loss of Society: $55,000 each occurrence

(See 235 ILCS Sec. 5/6-15) (Ord. No. 1330; 04-24-06)

21-2-10 DISPLAY OF LICENSE. Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (See 235 ILCS Sec. 5/6-24)

21-2-11 RECORD OF LICENSES. The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within forty-eight (48) hours. (See 235 ILCS Sec. 5/4-1)

21-2-12 LIQUOR IN CITY BUILDINGS.
(A) Mayor to Issue Permits. The Mayor, on his or her own motion or at the request of any Alderman may, at his or her discretion, issue a permit to allow for the delivery and service of alcoholic liquors in any building owned or controlled by the City. Said permits will be of only twenty-four (24) hours duration and shall be in written form listing the date the permit is granted, the date the permit is effective, the identity of the person requesting the permit, the building for which the permit is granted and a brief description of the event for which the permit is granted.

(B) No Sales. Nothing in this Section shall be construed as to authorize the sale of alcoholic liquors in any building owned or controlled by the City.

(C) Permits to be Reported. The Mayor shall report the issuance of any permit authorized by this Section to the City Council at the next meeting following the issuance of such permit.

(Ord. No. 1323; 02-13-06) (See 235 ILCS 5/6-15)
ARTICLE III - REGULATIONS

21-3-1  HOURS AND DAYS OF OPERATION.
   (A)  Closing Hours.  For all license classes, with the exception of Class “G”, it shall be unlawful for any licensee to give or sell, or offer for sale or gift or in any way provide any alcoholic liquor, spirits, beer, or wine in the City of Staunton between the hours of one o’clock (1:00) A.M. and six o’clock (6:00) A.M. on any day of the week. All exterior bar lights will be off at one o’clock (1:00) A.M. All entrance and exit doors will be locked at two o’clock (2:00) A.M. and all patrons must be vacated from the establishment at that time.  (Ord. No. 1330; 04-24-06)
   (B)  Class “G” License Closing Hours.  For those individuals holding a Class “G” license, it shall be unlawful for such licensee to give or sell, or offer for sale or gift or in any way provide any alcoholic liquor, spirits, beer, or wine in the City of Staunton between the hours of one o’clock (1:00) A.M. and six o’clock (6:00) A.M. from Monday through Friday. For these licensees, from Monday through Friday, all exterior bar lights will be off at one o’clock (1:00) A.M. All entrance and exit doors will be locked at two o’clock (2:00) A.M. and all patrons must be vacated from the establishment at that time. However, on Saturdays, Sundays, Thanksgiving and New Years Day, said hours of closing shall be between the hours of two o’clock (2:00) A.M. and six o’clock (6:00) A.M., with all exterior bar lights on these days being off at two o’clock (2:00) A.M. All entrance and exit doors will be locked at three o’clock (3:00) A.M. and all patrons must be vacated from the establishment at that time.  (Ord. No. 1330; 04-24-06)
   (C)  Restaurants, clubs, hotels, grocery stores and other establishments which sell liquor or alcoholic beverages but which do not exist primarily for the sale of such beverages or who do not derive more than fifty percent (50%) of their business from the sale of alcoholic beverages may remain open twenty-four (24) hours a day subject to the restrictions on the sale of alcoholic beverages as stated in paragraph (A).  (Ord. No. 1330; 04-24-06)

The times referred to above shall refer to Daylight Savings Time or when the same is in effect in the City and upon cessation of Daylight Savings Time, shall be Central Standard Time. All patrons and customers shall leave the premises at the specified closing time and shall not remain on the premises thereafter.  (See 235 ILCS Sec. 5/4-1)

21-3-2  PROHIBITED LOCATIONS.  No license shall be issued for the sale of any alcoholic liquor at retail within one hundred feet (100’) of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, 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 taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within one hundred feet (100’) of any church or school where such church or school has been established within such one hundred feet (100’) since the issuance of the original license. In the case of a church, the distance of one hundred feet (100’) shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.  (See 235 ILCS Sec. 5/6-11)
21-3-3 CHANGE OF LOCATION. A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the Code of this municipality. (See 235 ILCS Sec- 5/7-14)

21-3-4 RESTRICTED RESIDENTIAL AREAS. It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Zoning Code. (See Chapter 40 of the Revised Code)

21-3-5 ELECTION DAYS. All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Chapter.

21-3-6 UNLAWFUL ACTS. It shall be unlawful for any person to do or commit any of the following acts within the City, to-wit:
(A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Mayor.
(B) Drink any alcoholic liquors in any public park, except with the permission of the Mayor.
(C) Drink any alcoholic liquors on any private property without permission of an owner thereof.
(D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

21-3-7 UNLAWFUL ENTERTAINMENT. No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees [topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward], or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.
Nor shall any licensee, his agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on premises in this municipality licensed to sell alcoholic liquor are prohibited:

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

(B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, genitals, vulva, or anus;

(E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

21-3-8 SANITARY CONDITIONS. All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. (See 410 ILCS Sec. 650/1, et seq.)

21-3-9 DISEASED EMPLOYEES. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. (See 410 ILCS Sec. 650/10)

21-3-10 HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.

21-3-11 PEDDLING. It shall be unlawful to peddle alcoholic liquor in this municipality. (See 235 ILCS Sec. 5/4-1)
21-3-12  RESERVED.  (Ord. No. 1626; 05-29-12)

21-3-13  DISORDERLY HOUSE.  Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquors. *(See 235 ILCS Sec. 5/4-1)*

21-3-14  PROHIBITED SALES - GENERALLY.  No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, or mentally ill.  No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) years, except in the performance of a religious ceremony or service. *(See 235 ILCS Sec- 5/6-16)*

21-3-15  PERSONS SELLING LIQUOR.  It shall be unlawful for any person under the age of twenty-one (21) years to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any Class “A” or “B” licensed retail premises.  In a Class “C” or “D” licensed business, a person may serve if he is eighteen (18) years of age or older. *(See 235 ILCS Sec. 5/4-1)*

21-3-16  UNLAWFUL PURCHASE OF LIQUOR.  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 possession. *(See 235 ILCS Sec. 5/6-20)*

21-3-17  IDENTIFICATION REQUIRED.  If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.
Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon. (See 235 ILCS Sec. 5/6-20)

21-3-18 TRANSFER OF IDENTIFICATION CARD. 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 Chapter.

The consumption of alcoholic liquor by any person under the age of twenty-one (21) years is forbidden. (See 235 ILCS Sec. 5/6-20)

21-3-19 EXCLUSIONARY PROVISION. The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Chapter. (See 235 ILCS Sec. 5/6-20)

21-3-20 INSPECTIONS. It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police, any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof. (See 235 ILCS Sec. 5/4-4)

21-3-21 BOOKS AND RECORDS---AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS. It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Mayor having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. (See 235 ILCS Sec. 5/6-10)

21-3-22 RESTRICTIONS ON LICENSEE. In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any license to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. (See 235 ILCS Sec. 5/6-5)
(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. (See 235 ILCS Sec. 5/6-17)

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. (See 235 ILCS Sec. 5/6-19)

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. (See 235 ILCS Sec. 5/6-22)

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. (See 235 ILCS Sec. 5/6-15)

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. (See Goode V. Thomas 31 Ill. App. 3d 674, 1975)
ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 **OWNER OF PREMISES PERMITTING VIOLATION.** If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. (See 235 ILCS Sec. 5/10-2)

21-4-2 **ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. (See 235 ILCS Sec. 5/10-3)

21-4-3 **REVOCATION OF LICENSE AFTER CONVICTION.** Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Mayor, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. (See 235 ILCS Sec. 5/10-4)

21-4-4 **REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED.** Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. (See 235 ILCS Sec. 5/10-5)

21-4-5 **MISBRANDING.** Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. (See 235 ILCS Sec. 5/10-6)
21-4-6 **ABATEMENT OF PLACE USED IN VIOLATION.** Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. *(See 235 ILCS Sec. 5/10-7)*

21-4-7 **USE OF PREMISES FOR ONE YEAR AFTER REVOCATION.** When any license has been revoked for any cause, no license shall be granted for the same premises for a period of one (1) year thereafter. *(See 235 ILCS Sec. 5/7-13)*

21-4-8 **REVOCATION OF LICENSES.** The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for thirty (30) days or revoke any liquor license issued under this Code for any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B) To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E) To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

(F) The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with Section 21-4-10 of this Code. *(See 235 ILCS Sec. 5/4-4)*

21-4-9 **COMPLAINT BY RESIDENTS.** Any five (5) residents of the municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any
amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. (See 235 ILCS Sec. 5/7-7)

21-4-10 REVOCATION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING. The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the Illinois Liquor Act, any valid ordinance adopted by the municipality, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

(A) Fine as Opposed to Suspension or Revocation. In addition to suspension and/or revocation, the Liquor Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars ($1,000.00) for each violation; each day on which a violation continues shall constitute a separate violation. No more than Ten Thousand Dollars ($10,000.00) in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury, as the case may be. (See P.A. 89-0063)

(B) Revocation and Suspension: Notice. However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) Hearing. The Liquor Commissioner shall, within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the five (5) days upon the license. The findings of the Commissioner shall be predicted upon competent evidence. (See 235 ILCS Sec. 5/7-5)
21-4-11 APPEALS FROM ORDER OF LIQUOR COMMISSIONER.
Except as provided in this section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license may within twenty (20) days after notice of such order or action by appealed by any resident of the municipality under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. (See 235 ILCS Sec. 5/7-9)

21-4-12 SUBSEQUENT VIOLATIONS IN A YEAR. In any case, in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding twelve (12) month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past twelve (12) month period. (See 235 ILCS Sec. 5/7-9)

21-4-13 APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. Any appeal of the decision and findings of the Liquor Commissioner in Section 21-4-12 shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within five (5) days after notice of the filing of such appeal is received by the municipality from State Commission. (See 235 ILCS Sec. 5/7-9)
This application properly completed and signed must be filed with the City Clerk and must be accompanied by a remittance in the proper amount, made payable to the City Treasurer. This remittance must be in the form of a Certified or Cashier’s Check, United States Postal Money Order, Express Money Order, or Licensed Currency Exchange Money Order, Bank Draft, Bank Money Order, or Personal Money Order. Cash accepted.

The undersigned individual or partnership hereby makes application for a LIQUOR LICENSE and submits the following information:

<table>
<thead>
<tr>
<th>1. Applicant: (GIVE NAME OF INDIVIDUAL OR NAMES OF PARTNERS—TYPE OR PRINT PLAINLY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Trade, Partnership or Assumed Name TYPE OR PRINT NAME PLAINLY TELEPHONE</td>
</tr>
<tr>
<td>3. Location of above place of business (NUMBER AND STREET OR LOT AND BLOCK OR SECTION, TOWNSHIP AND RANGE MUST BE GIVEN)</td>
</tr>
<tr>
<td>4. Has your Assumed Name been filed with the County Clerk?</td>
</tr>
<tr>
<td>5. Are alcoholic liquors stored but not sold at any location other than the one given above?</td>
</tr>
<tr>
<td>6. Check principal kind of business: [ ] Restaurant [ ] Grocery [ ] Hotel [ ] Other [ ] Tavern [ ] Amusement Place [ ] Country Club [ ] Package Store [ ] Department Store [ ] Social Club</td>
</tr>
<tr>
<td>7. Give number of your Current Liquor License for this location A. In whose name or names is your license issued? B. Date license issued Month Day Year Date license expires Month Day Year</td>
</tr>
<tr>
<td>8. Give name and address of owner of premises: When does your lease expire? Month Day Year</td>
</tr>
<tr>
<td>9. Give the date you first made application for a Liquor License for any location in Illinois: (Month/Date/Year). A. Disposition of application: B. Give address NUMBER AND STREET OR LOT AND BLOCK OR SECTION, TOWNSHIP AND RANGE, CITY</td>
</tr>
<tr>
<td>10. Give date you began liquor business at this location Month Day Year</td>
</tr>
<tr>
<td>11. Give date partnership was formed under name given on Line 1: Month Day Year</td>
</tr>
<tr>
<td>12. Has a Liquor License been revoked at this location within the past year?</td>
</tr>
<tr>
<td>13. Is this business located within _______ feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children or any naval or military station? A. If answer to the above is “yes”, is your place of business a hotel offering restaurant service, a regularly organized club, a food shop, or other place where the sale of liquor is not the principal business carried on? If answer is “yes”, give particulars</td>
</tr>
<tr>
<td>14. Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money, or anything else of value, except as specifically permitted in the Act, or any credit, (Other than merchandising credit in the ordinary course of business as specifically permitted in the Act), or is such a person directly or indirectly interested in the ownership, conduct or operation of the place of business? If answer is “yes”, give particulars</td>
</tr>
<tr>
<td>15. Name A. Residence Address (NUMBER AND STREET OR RURAL ROUTE) (NAME OF CITY, COUNTY AND STATE) B. Place of Birth: Date of Birth: C. Are you a citizen of the United States? If a naturalized citizen, time and place of naturalization?</td>
</tr>
<tr>
<td>16. Name A. Residence Address (NUMBER AND STREET OR RURAL ROUTE) (NAME OF CITY, COUNTY AND STATE) B. Place of Birth: Date of Birth: C. Are you a citizen of the United States? If a naturalized citizen, time and place of naturalization?</td>
</tr>
</tbody>
</table>
D. Have you ever been convicted of a felony or otherwise disqualified to receive the license applied for by reason of any matter or thing contained in the Illinois Liquor Control Act or the Municipal Liquor Code? [ ] YES [ ] NO
If "yes", name court of conviction ___________________________

E. Have you ever made application for a liquor license for any other premises? 
DATE: ______________
State disposition of application: ___________________________
Give address: ___________________________

G. Has any license previously issued to you by any State or local authorities been SUSPENDED?
DATE: ___________________________
If so, state reasons therefor: ___________________________
WHERE: ___________________________

H. Has any license previously issued to you by any State or local authorities been REVOKED?
DATE: ___________________________
If so, state reasons therefor: ___________________________
WHERE: ___________________________

I. Will you comply with the Local Liquor Code and the Regulations in connection therewith? ___________________________

17. Do you possess a current Federal Wagering or Gaming Device Stamp? [ ] YES [ ] NO
Stamp No. ___________________________ Amount ___________________________

18. Will this business be conducted by a manager or agent? [ ] YES [ ] NO
If answer is "YES", Manager or Agent must give the following information:
A. Name ___________________________ Date of Birth ___________________________
B. Residence Address ___________________________ (STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY COUNTY STATE)
C. Place of Birth ___________________________ Are you a citizen of the United States? [ ] YES [ ] NO
D. If a naturalized citizen, time and place of naturalization: ___________________________
E. Have you ever been convicted of any crime as stated in Question 15-D or 16-D above? [ ] YES [ ] NO
DATE: ___________________________
WHERE: ___________________________ (CITY, COUNTY, AND STATE)
F. Are you or have you ever been interested in any liquor business at another address? [ ] YES [ ] NO
DATE: ___________________________
WHERE: ___________________________ (CITY, COUNTY AND STATE)
G. Has any license previously issued to you by any State or local authorities been SUSPENDED?
[ ] YES [ ] NO DATE: ___________________________
WHERE: ___________________________ (CITY, COUNTY AND STATE)
H. Has any license previously issued to you by any State or local authorities been REVOKED?
[ ] YES [ ] NO DATE: ___________________________
WHERE: ___________________________ (CITY, COUNTY AND STATE)

NO LICENSE SHALL BE ISSUED UNLESS ALL THE ABOVE QUESTIONS ARE COMPLETELY ANSWERED

AFFIDAVIT
(PLEASE READ CAREFULLY BEFORE SIGNING)

I (We) do solemnly swear (or affirm) that the statements given above are true and correct to the best of my (our) knowledge and belief; that I (We) will comply with all regulations of Federal, State and Local Liquor Control Laws; that a copy of an ordinance governing the sale at retail of alcoholic liquors and beverages in this municipality has been furnished to me (us); that I (we) understand the same, and agree to comply with all the provisions set forth therein.

I (We) swear (or affirm) that I (We) will not violate any of the laws of the State of Illinois or of the United States of America in the conduct of the place of business described herein and that the statements contained in this application are true and correct and are made for the purpose of inducing the City of ________________________, Illinois to issue the license herein applied for.

SUBSCRIBED AND SWORN TO BEFORE ME THIS ________ DAY OF ___________________, A.D., ______.

APPLICANT(S):

____________________________________________________

____________________________________________________

CLERK

(SEAL)
CHAPTER 22
MANDATED POLICIES

ARTICLE I – ETHICS CODE

22-1-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) Adoption of Act. The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 ILCS 430/70-5.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.

(C) Offering or Making of Gifts Prohibited. The offering or making of gifts prohibited to be offered or made to an officer or employee of the city under the Act, is hereby prohibited.

(D) Participation in Political Activities Prohibited. The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.

(E) Definitions of “Officer” and “Employee”. For purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).

(F) Penalties for Violation. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

(G) Effect on Existing Ordinances. This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(H) Future Amendments to State Officials and Employees Ethics Act. Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.

(I) Future Declaration of Unconstitutionality of State Officials and Employees Ethics Act. (1) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be
repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearsings. This Section shall be deemed repealed without further action by the Corporate Authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.

(2) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City.

(Ord. No. 1248; 06-14-04)
ARTICLE II – POLICY PROHIBITING SEXUAL HARASSMENT

22-2-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person’s sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this City to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

22-2-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:
   (A) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:
      (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
      (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
      (3) Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
   (B) Conduct which may constitute sexual harassment includes:
      (1) **Verbal.** Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
      (2) **Non-verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing” noises.
      (3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
      (4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
      (5) **Textual/Electronic.** “Sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).
The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

22-2-3 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

1. **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

2. **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the Municipality. The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.

3. **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within three hundred (300) days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within three hundred (300) days.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.
All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant’s willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

22-2-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee’s:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

(B) For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee’s involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation;
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

(E) Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).
According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within three hundred (300) days (IDHR) or three hundred (300) days (EEOC) of the alleged retaliation.

22-2-5 **CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT.** In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to Five Thousand Dollars ($5,000.00) per offense, applicable discipline or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

22-2-6 **CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT.** A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State’s Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to Five Thousand Dollars ($5,000.00) against any person who intentionally makes a false, frivolous or bad faith allegation.

(Ord. No. 1964; 10-22-18)
CHAPTER 23
MOBILE HOUSING CODE

ARTICLE I – GENERAL PROVISIONS

23-1-1 DEFINITIONS. The terms used in this Code shall have the following meanings:

“AFFIDAVIT” means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

“APPLICANT” means any person making application for a license or permit.

“IMMOBILIZED MOBILE HOME” means a mobile home served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the Mobile Home Tiedown Act, Chapter 210; Sec. 120/1 et seq. of the Illinois Compiled Statutes.

(A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. (See 210 ILCs 115/2.10)

“LICENSE” means a license certificate issued by the City allowing a person to operate and maintain a mobile home park under the provisions of this Code and the rules and regulations issued hereunder.

“LICENSEE” means any person having a license or permit under this Chapter.

“MOBILE HOME” means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons. The term “mobile home” shall only include manufactured homes constructed after June 30, 1976, in accordance with the Federal “National Manufactured Housing Construction and Safety Standards Act of 1974”. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a “mobile home”, but shall be an “immobilized mobile home”. A mobile home should not be confused with a “camping trailer” or “recreational vehicle”. (See 210 ILCS 115/2.1)
"MOBILE HOME, DEPENDENT" means a mobile home which does not have a toilet and bath or shower facilities. (See 210 ILCS 115/2.3)

"MOBILE HOME, DOUBLE-WIDE" consists of two (2) mobile units joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

"MOBILE HOME, INDEPENDENT" means a mobile home which has self-contained toilet and bath or shower facilities. (See 210 ILCS 115/2.4)

"MOBILE HOME LOT" means a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

"MOBILE HOME MODULE" means a factory-fabricated building unit transported to a building site, mounted on a permanent foundation supporting the outside perimeter walls, and is designed for residential use.

"MOBILE HOME PAD" means that part of an individual mobile home space or lot beneath the mobile home, including the concrete portion of the pad.

"MOBILE HOME PARK" means a tract of land or two (2) or more contiguous tracts of land upon which contain sites with the necessary utilities for two (2) or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park. (See 210 ILCS 115/2.5)

"MOBILE HOME SALES AREA" means a parcel of land used for the display, sale, and repair of new or used mobile homes.

"MOBILE HOME SPACE" means a portion of a mobile home park designed for the use or occupancy of one (1) mobile home.

"MOBILE HOUSING UNIT" includes all forms of housing units listed in this Section and as regulated in this Code.

"OWNER" or "OPERATOR" means the licensee.

"PERMANENT HABITATION" means a period of two (2) or more months. (See 210 ILCS 115/2.2)
“PERMIT” means a certificate issued by the City, permitting the construction, alteration, or reduction in number of spaces of a mobile home park under the provisions in this Code.

“PERSON” means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.

“REVOCATION” means to declare invalid a permit or license issued to the applicant or licensee by this City for an indefinite period of time.

“SITE” means the lot on which the mobile home is located for permanent habitation. (See 210 ILCS 115/2.7)

“SPACE” shall be synonymous with “Mobile Home Space”.

“SUSPENSION” means to declare invalid a permit or license issued to the applicant or licensee by this City for a temporary period of time with an expectation of resumption.

23-1-2 STATE REQUIREMENTS ADOPTED BY REFERENCE. The Mobile Home Park Act and the Mobile Home Tiedown Act of the Illinois Compiled Statutes, Chapter 210, as passed, approved and amended by the Illinois General Assembly are hereby adopted by the City. The applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the corporate limits of the City.

23-1-3 ILLINOIS DEPARTMENT OF PUBLIC HEALTH REGULATIONS. The “Rules and Regulations for Mobile Home Parks”, as approved by the Illinois Department of Public Health are hereby adopted by the City, the applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the City.

23-1-4 NATIONAL SAFETY STANDARDS. No mobile home, immobilized mobile home or manufactured home shall be located in the City unless the unit has the National Manufactured Housing Construction and Safety Standards metal seal affixed thereto.

[ED. NOTE: Existing units are exempt until they are replaced.]
23-1-5 **SKIRTING.** Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all mobile housing units within **sixty (60) days** of the placement of the unit.

23-1-6 **FIRE EXTINGUISHERS.** All mobile housing units located in the City shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that they will reasonably protect the mobile housing units. All fire extinguishers shall be approved by the Fire Chief or his designated representative prior to installation. *(See 425 ILCS 60/1 – 60/4)*

23-1-7 **INSPECTION.** Each Mobile Housing unit located in the City shall be subject to reasonable inspection by an official or officials designated by the City Council.

23-1-8 **OFF-STREET PARKING.** Every owner of a mobile housing unit shall provide for a dustless, off-street parking area of **four hundred (400) square feet.**

23-1-9 **OWNER OCCUPIED.** All mobile housing units shall be used and occupied by the owner or his immediate family as a residence. If the unit is not located in a licensed mobile home park, then the lot should be owned by the owner-occupant of the mobile housing unit. *(See Section 40-4-12)*
ARTICLE II

IMMOBILIZED MOBILE HOMES

23-2-1  IMMOBILIZED MOBILE HOMES. All immobilized mobile homes located in the City shall be classified as real estate; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing mobile home outside a mobile home park to remove or cause to have removed the wheels or any other transportation device from the mobile home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of an immobilized mobile home in this Code. All existing mobile homes, when replaced, shall comply with the immobilization provisions of this Code. (See Section 40-4-12 in Zoning Code)

23-2-2  PERMIT - FEE. All persons seeking to locate or replace a mobile home or an immobilized mobile home outside a mobile home park shall obtain a Building (Zoning Occupancy) Permit from the City Clerk. No utility services shall be connected to the unit until the City has issued the appropriate permits. The fee to locate or relocate a mobile home or immobilized mobile home shall be Twenty-Five Dollars ($25.00).

23-2-3  LOT SIZE. The minimum lot size for the location of an immobilized mobile home shall be six thousand (6,000) square feet; provided, however, the lot shall be at least fifty (50) feet wide and one hundred (100) feet deep. All immobilized mobile homes shall be located in the City, according to the requirements and restrictions of this Code and the Zoning Code. (See Schedule 40-3-14(A))

23-2-4  DEPENDENT MOBILE HOMES. No dependent mobile home, as defined in Section 23-1-1, shall be permitted in the City unless in a licensed travel-trailer park. At no time shall anyone use a dependent mobile home as a permanent residence or dwelling.

23-2-5  CONCRETE PADS. All immobilized mobile homes shall be placed on either a reinforced concrete pad at least fourteen feet wide by sixty feet in length (14’ x 60’), two (2) reinforced concrete runners four feet wide and sixty feet in length (4’ x 60’), or on concrete piers approved by the City Council. The concrete pads shall consist of four (4) inches of reinforced concrete or six (6) inches of concrete. A concrete footing is optional. All piers and footings for immobilized mobile homes shall comply with this Code. Expandable units shall be provided with approved piers or their equivalent at each corner of the units.

23-2-6  LIMIT OF UNITS. There shall be only one (1) immobilized mobile home or mobile home per lot in the City.
ARTICLE III - MOBILE HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

23-3-1 COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE. Every mobile home park hereafter established in the City shall, at a minimum, conform to the requirements of:

(A) “An Act to Provide for, License, and Regulate Mobile Homes and Mobile Home Parks”. (See 210 ILCS 115/1 et seq.)

(B) “Rules and Regulations for Mobile Home Parks”, Illinois Department of Public Health, Consumer Protection Division, as now or hereafter amended, and

(C) This Code.

(D) Zoning Code.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

23-3-2 PLANNING. Any person seeking to establish, operate, alter, or expand a mobile home park shall obtain a permit to construct or a license to operate a mobile home park.

“Construct or operate a mobile home park”, as used in this Code shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from two (2) or more independent mobile homes. (All plans shall be submitted to the City Council or Plan Commission for approval prior to the granting of a permit.)

23-3-3 LOCAL GOVERNMENT REQUIREMENTS. A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto.

23-3-4 PERMITS. The Plan Commission shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with “Rules and Regulations for Mobile Home Parks”, as promulgated by the Illinois Department of Public Health, the City Council may issue the proper permit to construct or alter a mobile home park to the applicant. Permits shall be valid for one (1) year from date of issue.
23-3-5  **INSPECTION OF MOBILE HOME PARK.** Upon completion of the proposed construction of a mobile home park or the proposed alteration of a mobile home park, the applicant shall notify the City Clerk in order that an inspection of the complete facilities can be made.

23-3-6  **VIOLATION PROCEEDINGS.** Any license granted hereunder shall be subject to revocation or suspension by the Mayor. However, the Mayor or his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the City pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within **five (5) days** or within a longer period of time as may be allowed by the City Council. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

23-3-7  **PERMIT REQUIRED.** Each mobile home that locates on a lot in a mobile home park shall secure a Building (Zoning) Permit from the City. All future locations on the same lot shall be assessed the minimum fee for a Building (Zoning) Permit. *(Ord. No. 1222; 09-08-03)*

23-3-8 - 23-3-9  **RESERVED.**
DIVISION II

DESIGN AND CONSTRUCTION REQUIREMENTS

23-3-10  PLAN DOCUMENT. In order to obtain a permit to construct or an original license to operate a mobile home park, the applicant shall file with the City Clerk a written application and plan documents and such plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. Two (2) copies of the plan document shall accompany the application filed with the City Clerk to obtain a permit to construct or alter a mobile home park or an original license to operate a mobile home park, not previously licensed by the Department. These plans shall include, but not be limited to the design and construction criteria set forth herein.

23-3-11  APPLICATION.

(A) Every applicant shall file with the City Clerk a written application and plan documents for the proposed construction or alteration of a mobile home park.

(B) The application shall be completed by the applicant and the engineer or architect and shall include:

1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

2. The proposed method of lighting the structures and land upon which the mobile home park is to be located.

3. The plot plans of the mobile home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

4. An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

5. Each application shall be accompanied by an application fee of One Hundred Dollars ($100.00) for a permit to construct, or an application fee of Twenty-Five Dollars ($25.00) for a permit to alter to increase the size of the park.
23-3-12  **LOCATION.**

(A) Sites selected for mobile home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The mobile home development shall not be located near swamps, marshes, or other breeding places of insects, rats and mice. When a good, natural drainage is not available, storm drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.

(B) The City Council may conduct a side survey to ascertain that the proposed location complied with the above requirements.

23-3-13  **ROADWAYS AND PARKING.**

(A) All streets and driveways in every park shall be constructed in compliance with the Subdivision Code.

(B) All streets in parks constructed shall have a minimum right-of-way of **fifty (50) feet** and a minimum road width of **thirty-two (32) feet** for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator.

If a mobile home park has more than **fifty (50) units**, a wider street may be required by the corporate authorities.

(C) Sidewalks and walkways shall be constructed abutting a street in a mobile home park and shall be a minimum of **four (4) feet** in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways.

23-3-14 - 23-3-16  **RESERVED.**
DIVISION III - GENERALLY

23-3-17  **LOT SIZE.** The minimum lot size for a mobile home pad shall be six thousand (6,000) square feet, pursuant to Section 40-4-12(B)(2)(c).

23-3-18  **MISCELLANEOUS RESTRICTIONS.**
(A) No mobile home parked in a mobile home park shall be immobilized.
(B) Not more than one (1) mobile home unit shall be parked in one (1) space.
(C) No travel-trailer shall be permitted in any mobile home park, unless a special area has been approved for that purpose by the City Council.

23-3-19 - 23-3-20  **RESERVED.**

DIVISION IV - FEES

23-3-21  **RESERVED.** (Ord. No. 1334; 05-08-06)
CHAPTER 24
MOTOR VEHICLE CODE

ARTICLE I - DEFINITIONS

24-1-1 ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED. The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Chapter 1, entitled "Title and Definitions", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City, the provisions thereof shall be controlling within the corporate limits of the City. (See 65 ILCS Sec. 5/1-3-2)

ARTICLE II - GENERAL REGULATIONS

24-2-1 SALE OF MERCHANDISE FROM PARKED VEHICLES. It shall be unlawful for the operator of any vehicle to park the same upon any street from said vehicle merchandise is being sold, except in duly established market places.

24-2-2 SCENE OF FIRE. The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Police Department.

24-2-3 SIGNS AND SIGNALS. It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois except upon direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. Schedule “V” - Signs and Signals shall be an integral part of this Section. (See 625 ILCS 5/11-301)

24-2-4 UNAUTHORIZED SIGNS. No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be
displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

24-2-5 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the City any sign, signal, marking or device other than a traffic sign or signal authorized by the City Council or the Illinois State Department of Public Works and Buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. (See Chapters 27 and 33) (Also See Chapter 40 - Zoning Code)

24-2-6 **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal. (Ord. No. 1615; 02-27-12)

24-2-7 **ANIMALS OR BICYCLES.** Any person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. (See 65 ILCS 5/11-206) (Ord. No. 1615; 02-27-12)

24-2-8 **BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT.** When used at nighttime, every bicycle shall be equipped with the following:
   (A) A lamp upon the front which emits a white light visible from a distance of at least five hundred (500) feet to the front.
   (B) A red reflector on the rear which shall be visible to a distance of six hundred (600) feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

24-2-9 **OBEDIENCE TO POLICE.** Members of the Police Department, Special Police, and Auxiliary Police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a police officer. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. (See 625 ILCS 5/11-203) (Ord. No. 1615; 02-27-12)
ARTICLE III - STOP AND THROUGH STREETS

24-3-1 THROUGH STREETS. The streets and parts of streets of the City designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See Schedule “A” for applicable through and stop streets.

24-3-2 ONE-WAY STREETS OR ALLEYS. It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See Schedule “B” for the designated one-way streets and alleys. (See 625 ILCS Sec. 5/11-208)

24-3-3 STOP STREETS. The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See Schedule “A” for designated stop intersections. (See 625 ILCS Sec. 5/11-302)

24-3-4 YIELD RIGHT-OF-WAY STREETS. The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. (See Schedule “C”)

24-3-5 POSTING SIGNS. Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. (See 625 ILCS Sec. 5/11-304)

ARTICLE IV - DRIVING RULES

24-4-1 ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED. The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Section 11, entitled "Rules of the Road", as passed, approved and amended by the Illinois General Assembly is
hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City except for the following changes, deletions and omissions:

(A) **Omissions:**


(B) **Changes and Additions:**

(1) Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."

(2) Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2 **DRIVING RULES.**

(A) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the City Council, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. (See Schedule "D") (See 625 ILCS 5/11-604) (Ord. No. 1923; 01-08-18)

(B) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This section shall not be applicable unless appropriate signs are posted upon streets and maintained by the City or State wherein the school zone is located. (See 625 ILCS Sec. 5/11-605)

(C) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets in the City.

(D) **Unauthorized Turns.** It shall be unlawful for tractor-trailers travelling Westbound on East Main Street to make or attempt to make a right turn onto North Easton Street. Nothing herein shall prevent tractor trailers travelling Eastbound on East Main Street from making a left turn onto North Easton, or otherwise travelling on North Easton Street, provided that said vehicles meet the requirements of any other City Code provision related to load limits for the use of North Easton Street. For purposes of this Section, ‘Tractor Trailers’ shall bear the same definition as applicable to “Tractor Trailers” or “semis” as those terms are defined under the Illinois Motor Vehicle Code. (Ord. No. 1544; 08-09-10)

(E) **Careless Driving.** It shall be unlawful to operate a vehicle in the City in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage or endanger persons or property engaged in the lawful use of the street. (Ord. No. 1615; 02-27-12)
Drag Racing. No person shall participate within the City in drag racing as such activity is defined by 625 ILCS 5/11-504. (Ord. No. 1615; 02-27-12)

Fleeing or Attempting to Elude Police Officer. Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such a signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle. (Ord. No. 1615; 02-27-12)

Unlawful Possession of Highway Sign or Marker. Traffic control signals, signs or markers owned by the City shall be possessed only by the City’s employees, police officers, contractors or their employees engaged in highway construction, contract or work upon the roadways or public ways approved by the City. No person shall possess a traffic control signal, sign or marker owned by the City except as provided in this paragraph without the prior written authority of the City. It shall be a violation of this Chapter for a person to possess such a traffic control signal, sign or marker without lawful authority. (Ord. No. 1615; 02-27-12)

Failure to Reduce Speed. A vehicle shall be driven upon the streets and alleys of this City at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care. (Ord. No. 1615; 02-27-12)

Traffic Lane Usage. Whenever any roadway within the City has been divided into two (2) or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made safely. (Ord. No. 1615; 02-27-12)

Duty to Report Accident. The driver of a vehicle which is in any manner involved in an accident within the City shall, without unnecessary delay, notify the Police Department and shall make a report of such action. Failure to report an accident within the City within twenty-four (24) hours shall result in arrests of the person or persons involved. (See 625 ILCS 5/11-415) (Ord. No. 1615; 02-27-12)

Transporting Liquor in Vehicles. No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in this City except in the original container and with the seal unbroken. (See 625 ILCS 5/11-50) (Ord. No. 1615; 02-27-12)

Excessive Noise – Stopped Vehicle. No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof
with the gears of the vehicle in neutral or otherwise disengaged, thereby causing an unreasonably loud or excessive noise.  (Ord. No. 1615; 02-27-12)

24-4-6 EXCESSIVE NOISE – WHEELS. No operator of a motor vehicle shall when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.  (Ord. No. 1615; 02-27-12)

24-4-7 EXCESSIVE NOISE – SQUEALING TIRES. No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise.  (See 625 ILCS 5/11-505)  (Ord. No. 1615; 02-27-12)

24-4-8 RECKLESS, NEGLIGENT OR CARELESS DRIVING. It shall be unlawful to operate any vehicle in the City in a careless, reckless, negligent or wanton manner or carelessly so as to endanger life or property.  (Ord. No. 1615; 02-27-12)

24-4-9 EXCESSIVE NOISE WHILE DRIVING. No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.  (Ord. No. 1615; 02-27-12)

24-4-10 ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED. The Illinois Vehicle Code, Illinois Compiled Statutes, Chapter 625, Section 12, entitled “Equipment of Vehicles”, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City and the provisions thereof shall be controlling within the corporate limits of the City.  (See 625 ILCS 5/15-605, 5/15-605.1 and 5/12-605.2)  (Ord. No. 1615; 02-27-12)

24-4-11 MUFFLER. No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited.  No muffler shall cause an unreasonably loud or excessive noise.  (Ord. No. 1615; 02-27-12)

24-4-12 SOUND AMPLIFICATION SYSTEM. No driver of any motor vehicle within the City shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from seventy-five (75) feet or more when the vehicle is being operated upon a highway, street or alley within the corporate limits of the City, unless such system is being operated to request assistance or warn of a hazardous situation.  (See 625 ILCS 5/12-611)  (Ord. No. 1615; 02-27-12)

24-4-13 ENGINE BRAKES PROHIBITED. It shall be unlawful for an operator of a motor truck vehicle to use or operate engine brakes on all public highways or streets within the corporate limits, unless it is an emergency.  (Ord. No. 1615; 02-27-12)
ARTICLE V - PARKING RULES

24-5-1 **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

24-5-2 **PARKING FOR SALE, REPAIR OR PEDDLING PROHIBITED.** No person shall park a vehicle upon any street for the purpose of:

(A) displaying such vehicle for sale; or

(B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary; or

(C) peddling merchandise.

24-5-3 **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-5-4 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:

(1) **Stop, Stand or Park a Vehicle:**

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(b) On a sidewalk.

(c) Within an intersection.

(d) On a crosswalk.

(e) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(h) On any railroad tracks.

(i) At any place where official signs prohibit stopping.

(j) On any controlled-access highway.

(k) In the area between roadways of a divided highway, including crossovers.

(l) In any alley that is open and maintained.
(2) **Stand or Park a Vehicle** (whether occupied or not, except momentarily to pick up or discharge passengers):

(a) In front of a public or private driveway.
(b) Within **fifteen (15) feet** of a fire hydrant.
(c) Within **ten (10) feet** of a crosswalk at an intersection.
(d) Within **twenty (20) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.
(e) Within **twenty feet (20')** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).
(f) At any place where official signs prohibit standing or parking.

(3) **Parking a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):

(a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
(b) at any place where official signs prohibit parking;
(c) in yellow zones.

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.

(D) **Truck Parking Prohibited.** No second Division vehicle licensed for a “F” classification or higher shall be parked on any street, alley or any public parking lot not so designated for public parking of vehicles described herein in the City except temporary parking for loading and unloading purposes. Vehicle described in this paragraph shall include either the tractor or trailer of such unit.  **(See 625 ILCS Sec. 5/3-815)**

24-5-5 **PARKING FOR THE HANDICAPPED.**

(A) **Designated Parking.** Certain parking spaces within the confines of the City shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.

(B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.** furnished by the City.
(C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. *(See 625 ILCS Sec. 5/11-1301.2)*

(D) **Penalty.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency of a City Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance with departmental policies and in accordance with Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes. The registered owner of the vehicle as ascertained by the registration of the vehicle will be presumed to be in control of the vehicle and will be fined **One Hundred Dollars ($100.00)**. The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle. *(Ord. No. 1207; 10-28-02)*

(E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in Schedule "H".

### 24-5-6 LOAD LIMITS.

(A) **Established.** There is hereby established "gross load limit" on City streets listed in Schedule "J". The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. The specified streets and the load limits are hereby listed in Schedule "J".

(B) **Restrictions.** It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, except that a vehicle may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

(C) **Exceptions.** This Chapter shall not include pickup trucks, trucks operated by the City maintenance and repairs on the street or the operation of a vehicle owned by the U.S. government or State of Illinois while on lawful business of these agencies.

### 24-5-7 TOWING CARS AWAY.

The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours**.

Vehicles towed away shall be stored on any City property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the City in removing and storing such vehicle(s).
24-5-8 **PARKING VIOLATIONS.** Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the City Twenty-Five Dollars ($25.00) for each such offense and Fifty Dollars ($50.00) for the second offense occurring within six (6) months of original citation. Such payment may be made at the City Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund.

Provided, this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police and Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department. *(Ord. No. 1326; 02-13-06)*

(A) **Removal - Time Limit.** Any vehicle illegally parked for a period in excess of twenty-four (24) hours may be removed by a towing service authorized by the Police Department of the municipality. In any emergency, any vehicle may be removed by any means when authorized by the Police Department of the municipality.

(B) If a vehicle is parked on or along any City street and the owner of said vehicle has at least two (2) outstanding parking tickets against them, the Police Department shall tow said vehicle. Before the owner can retrieve said vehicle he/she must pay towing fee and all parking tickets.

(C) **City Parking Lots.** No person shall park a motor vehicle on a City parking lot unattended for more than three (3) consecutive days. *(Ord. No. 1181; 03-26-01)*

(D) **Overnight Parking in City Parks.** No person shall park a motor vehicle in a City Park or associated parking lot overnight. For purposes of this Section “overnight” parking shall mean causing a motor vehicle to be parked in a City Park or associated parking lot at or before dusk and allowing the motor vehicle to remain parked in that location until dawn, and not associated with some event or function occurring at the City Park. *(Ord. No. 1809; 09-28-15)*

24-5-9 **PRIMA FACIE PROOF.** The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

24-5-10 **PARKING DURING SNOW REMOVAL.**

(A) **Hours Parking Prohibited.** It shall be unlawful to park any vehicle on any of the streets hereinafter names between the hours of one minute after six o'clock (6:01) P.M. and six o’clock (6:00) A.M. after a snowfall of two (2) inches or more in depth.

(B) **Snow Routes Designated.** To facilitate the removal of snow, the following streets shall be snow routes and shall be appropriately marked as such:

- Deneen Street From Lafayette Street to Bunker Hill Road
- Elm Street From Main Street to Pearl Street
- Henry Street From Union Street to Wood Street (#1210)
- Lafayette Street From Route 4 to Deneen Street
- Laurel Street From North Street to Mill Street (#1210)
- Main Street From Easton Street to Route 4
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<tr>
<th>Street</th>
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<tbody>
<tr>
<td>Pearl Street</td>
<td>From Laurel Street to Route 4</td>
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<tr>
<td>Pennsylvania Street</td>
<td>From Union Street to Route 4</td>
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<tr>
<td>Prairie Street</td>
<td>From Route 4 to Deneen Street</td>
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<tr>
<td>Union Street</td>
<td>From North Street to Henry Street (#1210)</td>
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<tr>
<td>Wood Street</td>
<td>From Main Street to Pearl Street</td>
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**Subdivisions**

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<tr>
<th>Subdivision</th>
<th>Streets</th>
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<tbody>
<tr>
<td>Canadian Crossing</td>
<td>All Streets (#1210)</td>
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<tr>
<td>Evergreen</td>
<td>All Streets (#1210)</td>
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<tr>
<td>Miller Drive</td>
<td>All Streets (#1210)</td>
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<tr>
<td>Stone Creek</td>
<td>All Streets (#1210)</td>
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<tr>
<td>Timberview</td>
<td>All Streets (#1210)</td>
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<tr>
<td>Woods Mill Drive</td>
<td>All Streets (#1210)</td>
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(C) **Towing Illegally Parked Vehicles.** Any car or vehicle parked illegally as provided in subsections (A) and (B) above may be removed and towed away at the discretion of the Street and Alley Department or the Police Department as herein provided. Cars so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such car upon payment of a fee of **Fifty Dollars ($50.00)** within **twenty-four (24) hours** after the time such car was removed, plus **Ten Dollars ($10.00)** for each additional **twenty-four (24) hours** or fraction thereof. *(Ord. No. 923; 03-13-89)*

**24-5-11 STREET SWEEPING HOURS.** To facilitate street sweeping, the following streets shall be designated “No Parking” between the hours of 4:00 A.M. and 7:00 A.M. on Monday and Thursday. Parking shall be allowed in designated areas once sweeping has been completed. “No Parking” areas shall be appropriately marked. *(See Schedule “K” for the list of streets.)* *(Ord. No. 1209; 10-28-02)*

**24-5-12 PARKING TICKETS - STATE STATUTE.** The City Council intends to utilize **Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5** and the procedure set forth therein.

The appropriate authorities are hereby authorized to utilize the statute and the procedure set forth therein.
ARTICLE VI - ABANDONED VEHICLES

24-6-1 DEFINITIONS. For the purpose of this Code, the following words shall have the meanings ascribed to them as follows:

“ABANDONED VEHICLE” shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted. (Ord. No. 1294; 08-22-05)

“ANTIQUE VEHICLE” means any motor vehicle or other vehicle twenty-five (25) years of age or older.

“COMPONENT PART” means any part of a vehicle other than a tire having a manufacturer's identification number or an identification number issued by the Secretary of State.

“DERELICT VEHICLE” means any inoperable, unregistered, or discarded motor vehicle, regardless of title, having lost its characteristic as a substantial property and left unattended without justification on the owner's, lienholder's or other legally entitled person's land contrary to the public policy expressed in this Code.

“HIGHWAY” means any street, alley or public way within this municipality.

“REMOVE” means to remove, deface, cover, or destroy.

“VEHICLE” means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting, however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks. (See 625 ILCS Sec. 5/4-201)

24-6-2 ABANDONMENT.

(A) Highway. The abandonment of a motor vehicle or other vehicle or part thereof on any highway in this municipality is unlawful and subject to penalties as set forth herein.

(B) Private Property. The abandonment of a vehicle or any part thereof on private or public property other than a highway in view of the general public anywhere in this municipality is unlawful, except on property of the owner, or bailee of such abandoned vehicle.

(C) Owner's Property. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by the police department, after a waiting
period of seven (7) days or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Ch. 65 Sec. 5/11-40-3.1 of the Illinois Compiled Statutes. A violation of this section is subject to penalties as set forth in Section 1-1-20 of the City Code. (See 625 ILCS Sec. 5/4-201)

24-6-3 POSSESSION OF VEHICLE BY OTHER PARTY; TOWING. Where an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this municipality who is not the owner, lienholder or other legally entitled person of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the Police Department or designated representative shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow, as set forth in Section 24-6-5, until the vehicle is claimed by the owner, lienholder, or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter. (See 625 ILCS Sec. 5/4-202)

24-6-4 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY.
(A) When a vehicle is abandoned or left unattended on a highway in an urban district for ten (10) hours or more, its removal by a towing service may be authorized by the Police Department.
(B) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Police Department.
(C) When a vehicle removal from either public or private property is authorized by the Police Department, the owner, lienholder or other legally entitled person of the vehicle shall be responsible for all towing costs.
(D) The remaining provisions of Section 4-203 of Chapter 95 1/2, of the Illinois Compiled Statutes are hereby adopted by reference and the provisions thereof shall be controlling within the corporate limits of this municipality. (See 625 ILCS Sec. 5/4-203)

24-6-5 POLICE RESPONSIBILITIES. When a vehicle is authorized to be towed away as provided herein, the Police Department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. (See 625 ILCS Sec. 5/4-204)
24-6-6 **UNKNOWN OWNER.** When the Police Department does not know the identity of the registered owner, lienholder or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department authorizing the impoundment shall cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information of the vehicle. The information determined from these record searches shall be used by the Police Department in sending notification by certified mail to the owner, lienholder or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information. *(See 625 ILCS Sec. 5/4-205)*

24-6-7 **IDENTIFYING AND TRACING VEHICLE.** When the registered owner, lienholder, or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner, lienholder, or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police shall be immediately forwarded to the Police Department having custody of the vehicle for notification purposes as set forth in Section 24-6-6 of this Chapter. *(See 625 ILCS Sec. 5/4-206)*

24-6-8 **RECLAIMED VEHICLES - EXPENSES.** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in Section 24-6-9, the owner, lienholder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other legally entitled person under this section until all towing and storage charges have been paid. *(See 625 ILCS Sec. 5/4-207)*

24-6-9 **DISPOSAL OF UNCLAIMED VEHICLE.** Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle seven (7) years of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automatic parts recycler, rebuilder or scrap processor under Chapter 5 of Chapter 95 1/2, of the Illinois Compiled Statutes. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the
Police Department shall cause a notice of the time and place to be sent by certified mail to the registered owner, lienholder, or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice shall not be required.

24-6-10 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) New Car. When the identity of the registered owner, lienholder, or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided for in Section 24-6-9 of this Code without notice to any person whose identity cannot be determined.

(B) Old Car. When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Code, it shall be kept in custody for a minimum of ten (10) days for the purpose of determining the identity of the registered owner and lienholder and contacting the registered owner and lienholder by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. (At the expiration of the ten (10) day period without the benefit of disposition information being received from the registered owner, lienholder or other legally entitled person, the Chief of Police shall authorize the disposal of the vehicle as junk.)

(C) Antique Vehicle. A vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it. (See 625 ILCS Sec. 5/4-209)

24-6-11 POLICE RECORD FOR DISPOSED VEHICLE. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder, or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction shall be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal. (See 625 ILCS Sec. 5/4-210)

24-6-12 PUBLIC SALE PROCEEDS. When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the Police Department and disposed of as set forth in this Code, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges, shall be deposited in the municipal treasury. (See 625 ILCS Sec. 5/4-211)
24-6-13  **LIABILITY.** A law enforcement officer or agency, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his legal representative, lienholder, or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Code. *(See 625 ILCS Sec. 5/4-213)*

24-6-14  **PENALTY.**
(A) Any person who violates or aids and abets in the violation of this Article is guilty of a petty offense, and
(B) shall be fined not less than **Seventy-Five Dollars ($75.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**, and
(C) shall be required by the Court to make a disposition on the abandoned or unclaimed vehicle and pay all towing and storage charges pursuant to this Article. *(See 625 ILCS Sec. 5/4-214)*
ARTICLE VII
INOPERABLE VEHICLES

24-7-1 DEFINITIONS. Whenever the following terms are used in this Chapter, they shall have the meanings respectively ascribed to them in this Section:

"Inoperable Motor Vehicle": Any motor vehicle which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed; or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. “Inoperable Motor Vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

"Operable Historic Vehicle": A vehicle over twenty-five (25) years of age which is capable of being driven under its own motor power and which is licensed in accordance with the applicable Illinois statutes and in accordance with the applicable vehicle tax provisions of this Code. (65 ILCS 5/11-40-3)

24-7-2 NUISANCE DECLARED; EXCEPTIONS. The location or presence of any inoperable motor vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City shall be deemed a public nuisance; and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or to exist upon his own real property or any premises leased or occupied by him; provided, that this Section shall not apply to:

(A) A vehicle or part thereof which is completely enclosed within a building in a lawful manner, where it is not visible from the street or other public or private property;
(B) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer, or a vehicle on the premises of a licensed business engaged in wrecking or junking of vehicles, if such businesses are otherwise permitted by the ordinances of the City; or
(C) Operable historic vehicles. (65 ILCS 5/11-40-3)

24-7-3 NOTICE TO REMOVE; HEARING.

(A) Notice to Remove.

(1) Vehicle on Private Property. Whenever such public nuisance exists in the City in violation hereof, the City of Staunton Police Department shall give not less than seven
(7) days’ notice to the owner of the real property, the occupant or lessee, if any, of the premises whereon such public nuisance exists to abate or remove the same, stating the nature of the public nuisance on private property, that it must be removed and abated within seven (7) days and, further, that a request for a hearing must be made before the expiration of said seven (7) day period by the aggrieved person, such notice to be personally served or to be mailed, by certified or registered mail with a five (5) day return receipt requested and by regular mail, to the owner, the occupant or the lessee of the private premises whereupon such public nuisance exists. If notice by mail is returned undelivered by the United States post office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(2) **Vehicle on Public Property.** Whenever such public nuisance exists in the City in violation hereof, the City of Staunton Police Department shall give not less than a seven (7) day notice, stating the nature of the public nuisance on the public property or on a public right-of-way, that it must be removed and abated within seven (7) days and, further, that a request for a hearing must be made before the expiration of said seven (7) day period, such notice personally served or to be mailed, by certified or registered mail with a five (5) day return receipt requested, to the owner, the occupant or the lessee of the public premises or to the owner, the occupant or the lessee of the premises adjacent to the public right-of-way whereupon such public nuisance exists. If notice by mail is returned undelivered by the United States post office, official action to abate said nuisance shall be continued to a date not less than seven (7) days from the date of such return.

(B) **Hearing Prior to Removal.** A public hearing prior to the removal of the vehicle or part thereof as a public nuisance is to be held before a person designated by the City. When such a hearing is requested by the owner, the occupant or the lessee of the public or private premises or by the owner, the occupant or the lessee of the premises adjacent to the public right-of-way on which said vehicle is located, within seven (7) days after service of notice to abate the nuisance, any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site.
24-7-4 **REMOVAL WITH PERMISSION OF OWNER OR OCCUPANT.** If within **seven (7) days** after receipt of notice from the City of Staunton Police Department or its agents to abate the nuisance, as herein provided, the owner, the occupant or lessee of the premises shall give his written permission to the City for removal of the inoperable motor vehicle from the premises, the removal shall be at the expense of said owner. The giving of such permission shall be considered compliance with the provisions of this Chapter.

24-7-5 **DISPOSAL OF INOPERABLE VEHICLES.** If such public nuisance is not abated by the owner, occupant or lessee after notice is given in accordance with this Chapter, official action shall be taken by the City to abate such nuisance at the expense of the owner, occupant and/or lessee. Inoperable vehicles or parts thereof may be disposed of by removal to a scrapyard or demolishers for processing as scrap or salvage.

24-7-6 **AUTHORITY TO ENFORCE; ENTRY POWERS.** The City of Staunton Police Department and/or their employees or agents, may enter upon private property for the purposes specified in this Chapter to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter but shall comply with the fourth amendment of the United States Constitution.

24-7-7 **EFFECT OF PROVISIONS ON TRAFFIC OBSTRUCTIONS.** Nothing in this Chapter shall affect statutes or ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

24-7-8 **PENALTY.** Any person, firm or corporation violating any of the provisions of this Chapter shall be subject to the penalty provided in **Section 1-1-20** of this Code. Each day that a vehicle remains inoperable after notice has been given shall constitute a separate offense.

*(See 65 ILCS 5/11-40-3)*

*(Ord. No. 1301; 09-12-05)*
ARTICLE VIII

USE OF ALL-TERRAIN VEHICLES ON
PUBLIC AND PRIVATE PROPERTY

24-8-1 ADOPTION BY REFERENCE. The City hereby incorporates by
reference and makes a part hereof the following provisions of the Illinois Compiled
Statutes, and as they may be amended from time to time by the Illinois General
Assembly. Violation of these provisions may, at the discretion of the City, be enforced
as an ordinance violation.

(A) 625 ILCS 5/11-204 Fleeing or Attempting to Elude a Police
Officer.
(B) 625 ILCS 5/11-204.1 Aggravated Fleeing or Attempting to Elude
a Police Officer.
(C) 625 ILCS 5/11-427 Illegal Operation of an All-Terrain Vehicle or
Off-Highway Motorcycle.
(D) 625 ILCS 5/11-1426 Operation of All-Terrain Vehicles and Off-
Highway Motorcycles on streets, roads or highways.
(E) 625 ILCS 5/11-1427.4 Disobeying a Signal from Officer to Stop.
(F) 720 ILCS 5/12-4 Aggravated Battery.
(G) 720 ILCS 5/21-3 Criminal Trespass to Real Property.
(H) 720 ILCS 5/36-1 Seizure and Forfeiture of Vessels, Vehicles and
Aircraft.

24-8-2 REGULATIONS. The following paragraphs (B) – (O), shall govern the conduct of
persons on or about any property owned by the City, the Madison County Mass Transit
District, or any other transportation entity whether publicly or privately owned, including
but not limited to all real property owned and operated by such entities including all
vehicles, bike, walking or other recreational trails, including all railroad right-of-ways
owned by the Transit District. In addition and where applicable, the following sections
shall govern such conduct on private property.

(B) Definitions.
(1) "Public Transportation Property" as used in this Article
means any real property, which the City, Transit District, or a
public transportation entity, owns, leases or possesses.
(2) "Motor Vehicle". As used in this Section, “motor vehicle”
means every vehicle propelled by power other than human
power designed to travel on the ground or upon roads by
use of wheels, treads, runners or slides, or to transport
persons or property, or pull machinery, and includes, but is
Motor Vehicles.

(1) No person shall park a motor vehicle at any time on City or Transit District property except with the authority from the City or Transit District or in designated public parking areas.

(2) No person shall drive, operate or otherwise bring a motor vehicle into any Transit District bike, walking, or other recreational trail, including all Transit District railroad rights of way, without the prior consent of the Transit District.

Alcohol Prohibited. No person shall drink, consume or transport alcoholic liquor in or on any Transit District property.

Trespass.

(1) No person shall commit a trespass in or on any City, Transit District, or any other transportation entity property.

(2) No person shall operate an all-terrain vehicle or off-highway motorcycle on any land without the proper consent of the owner, whether publicly owned or privately owned land.

(3) For the purposes of this Section, acts constituting trespass include, but are not limited to, the following:
(a) An entry upon City, Transit District or any transportation entity property, whether publicly or privately owned, or any private property, or any part thereof in violation of a notice posted or exhibited at the main entrance to such premises or any point of approach or entry; or, in violation of any notice, warning or protest, given orally or in writing by the City, Transit District or transportation facility.

(b) A failure or refusal to depart from City, Transit District or any other transportation entity property, or any part thereof, when requested, either orally or in writing, to leave such property by the owner.

(c) No person shall, without the prior consent of City, the Transit District or any transportation entity, post up, stick or place any handbill, showbill, placard or notice in or on any City, Transit District or transportation entity motor vehicle, building, wall or fence.

(F) **Defacing Property.** No person shall, without the consent of the City, Transit District, or any other transportation entity, paint, draw, etch or carve, by use of paint, spray paint, ink, knife or any similar method, on any City, Transit District or other transportation entity motor vehicle, building wall, fence, door, floor, sidewalk, pavement, stairway or furniture.

(G) **Littering.** No person shall have brought in, dump, deposit, throw or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash in or on any City, Transit District, or any other transportation entity motor vehicle or upon any City, Transit District, or any other transportation entity property, except in receptacles provided for that purpose.

(H) **Disorderly Conduct.** No person shall recklessly cause inconvenience, annoyance or alarm to Transit District or other transportation entity employee or property user, in or on any Transit District or other transportation entity property, by doing any of the following:

1. Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
2. Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person;
3. Insulting, taunting or challenging another under circumstances in which such conduct is likely to provoke a violent response;
4. Hindering or preventing the movement of persons so as to interfere with the rights of others and by any act which serves no lawful and reasonable purpose of the offender;
(5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to person or property by any act, which serves no lawful and reasonable purpose of the offender.

(6) Commits an act, including the use of a dangerous weapon, with the intent to cause harm to a Transit District employee while the employee is performing Transit District duties.

(I) **Unlawful Weapons.** No person shall possess or carry any bludgeon, black-jack, sling-shot, club, sandbag, metal knuckles or any knife, commonly referred to as switchblade knife, which has a blade that open automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or possess or carry with the intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, cutting edge or any other dangerous instrument of like character, or carry concealed upon his person any pistol, revolver or other firearm, into or upon City, Transit District, or any other transportation entity property.

(J) **Assault and Battery.**

(1) No person shall, without lawful authority, engage in conduct that places an employee of City, the Transit District, or any other transportation entity passenger or employee in reasonable apprehension of receiving a battery. The prohibited conduct in this paragraph includes, but is not limited to, directing a laser pointer or laser sight at or near a City, County of Madison, Transit District, or any other transportation entity passenger or employee.

(2) No person shall, without legal justification, intentionally or knowingly cause bodily harm or make physical contact of an insulting or provoking nature to a City, Transit District, or any other transportation entity passenger or employee. The prohibited conduct in this paragraph includes, but is not limited to, directing a laser pointer or laser sight on the person of a City, Transit District, or any other transportation entity passenger or employee.

(K) **Spitting.** No person shall expectorate in or on any City, Transit District, or any other transportation entity property.

(L) **Horses Prohibited.** No person shall ride, lead, walk or otherwise bring any horse, mule, donkey or other animal for riding into Transit District property, including but not limited to, any Transit District bike, walking, or other recreational trail, including all Transit District railroad rights of ways.

(M) **Hunting.** No person shall take, hunt, shoot, pursue, lure, kill, destroy, capture, gig or spear, trap or ensnare, harass, or attempt to do so, wild birds or wild animals along, upon, across, or from any Transit District bike, walking, or other recreational trail, including all Transit District railroad rights of way.
Impoundment of Vehicle. In addition to any and all remedies provided in this Article and the general provisions of the City ordinances, the Chief of Police is hereby authorized to impound any motor vehicle, which is used in violation of this Article, or the statutes incorporated by reference in this Article. It shall be the sole responsibility of the owner to pay any and all transportation and storage fees of the motor vehicle.

Penalty. Any person who violates any of the provisions of this Article shall be subject to a fine of not more than Seven Hundred Fifty Dollars ($750.00). Each and every act in violation constitutes a separate offense; and, each and every day that a violation continues shall constitute a separate offense. As to violations affecting the Transit District, the City hereby authorizes and grants the Transit District Attorney concurrent jurisdiction to file ordinance violation charges, for injunctive relief, or otherwise take any action necessary to enforce the provisions of this Article.

(Ord. No. 1290; 08-08-05)

ARTICLE IX – NON-HIGHWAY VEHICLES

24-9-1 DEFINITION OF NON-HIGHWAY VEHICLE. As used in this Revised Code, the term “non-highway vehicle” shall have the definition as currently set forth in Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1 and shall be equipped with all safety systems and equipment as required by said statute. To be operated on a roadway, non-highway vehicles must have, at a minimum, brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Illinois Vehicle Code) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of five hundred (500) feet to the front, a tail lamp that emits a red light visible at least one hundred (100) feet from the rear, brake lights, turn signals, a windshield and any and all other safety equipment required to be installed and operational on such vehicles as set forth in Section 11-1426.1 cited above, and shall at a minimum be capable of speeds in excess of twenty miles per hour (20 MPH). The term “golf cart” shall have the definition as currently set forth in Section 11-1426.1(a)(2) and Section 1-123.9 of the Illinois Vehicle Code. Golf Carts shall not be a permitted non-highway vehicle in the City and are banned from operation on City roadways.

24-9-2 OPERATION OF NON-HIGHWAY VEHICLES. Subject to the requirements of Sections 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, which are hereby adopted by the City, and to the provisions of this Article, drivers sixteen (16) years of age or older and properly licensed to operate motor vehicles on the roadways of the City shall be authorized to operate non-highway vehicles on the roadways of the City having a posted speed limit of thirty-five miles per hour (35 MPH) or less. A non-highway vehicle meeting the definition under Section 11-1426.1 shall be permitted to make a direct crossing of a State highway only provided (1) the crossing is made at an angle or approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; (2) the non-highway vehicle is brought to a complete stop before attempting a crossing; (3) the operator of the non-highway vehicle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and (4) that when crossing a
divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway. Such vehicles shall not be allowed on City sidewalks.

24-9-3 **ANNUAL REGISTRATION OF NON-HIGHWAY VEHICLES.** No non-highway vehicle shall be operated on any street or alley of the City unless the owner(s) thereof shall have first registered such vehicle with the City in accordance with the following:

(A) Registration of non-highway vehicles shall be administered by the Chief of Police and his designees, and applications for registration shall be made on a form prescribed by the City, said form to include a statement under oath or penalties of perjury that the non-highway vehicle proposed to be registered meets the definition under this Article, and shall be accompanied by an annual registration fee of **One Hundred Fifty Dollars ($150.00)** and proof of liability insurance for said non-highway vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.

(B) Registered non-highway vehicles shall be issued a sticker which shall be affixed to the vehicle in a prominent visible location as directed by the Chief of Police, or his designees.

(C) Registrations shall be effective and issued on a calendar year basis, for a period of **one (1) year**, and shall be renewed annually in the same manner as the original registration. Initial registrations issued in 2015 shall be valid through **December 31, 2016**.

(D) Registrations shall not be transferable in the event of change of ownership.

(E)Registrations shall be subject to revocation by the Chief of Police in the event of a violation of the requirements of Section 11-1426.1 of the Illinois Vehicle Code, **625 ILCS 5/11-1426.1**, or any of the provisions of this Article. A revocation shall be made in writing and shall set forth the provision(s) of statute or ordinance found to be violated. Revocations may be appealed in writing to the City Council **fourteen (14) days** from the issuance of the revocation, and if appealed, the City Council shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and be represented by an attorney. The City Council shall uphold the revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.

(F) In the event a registration is revoked due to a failure to maintain the required liability insurance or a failure to maintain the condition of the non-highway vehicle in compliance with this Article, including but not limited to, maintaining the required safety systems, the Chief of Police, in his discretion, may reinstate the registration upon documentation of reinstatement of the required insurance or of the repair or modification of the non-highway vehicle necessary to cure any deficiencies, as applicable, if the Chief of Police determines that the violation was not intentional and is not likely to recur.

24-9-4 **INSPECTION OF NON-HIGHWAY VEHICLES.** Non-highway vehicles registered, or proposed to be registered, pursuant to this Article shall be subject to inspection by the Chief of Police, or his designees, at any time to determine that said vehicle meets, and continues to meet, the definition thereof as set forth in this Article, particularly the provisions for maintenance in operating condition of required safety systems and equipment.
24-9-5 **MANDATORY INSURANCE.** The owner of any non-highway vehicle registered under this Article shall continuously maintain liability insurance for said vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.

24-9-6 **OPERATION LIMITED TO LICENSED DRIVERS.** No person shall operate a non-highway vehicle upon any street, highway or roadway in the City unless he or she has a valid driver's license issued in his or her name by the Secretary of State or by a foreign jurisdiction. The provisions of Section 6-107 of the Illinois Vehicle Code, 625 ILCS 5/6-107 providing for graduated licenses for young drivers shall be fully applicable to the operation of non-highway vehicles.

24-9-7 **OTHER LAWS, REGULATION AND ORDINANCES.** Non-highway vehicles shall be operated at all times in accordance with the provision of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the City, as well as any laws, regulations or ordinances specifically pertaining to non-highway vehicles and the operation thereof.

24-9-8 **USE UNDER THE INFLUENCE OF ALCOHOL.** A person shall not drive or be in actual physical control of a non-highway vehicle within the corporate boundaries of the City while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof as defined by and in accordance with 625 ILCS 5/11-501 et seq. Violations of the provisions of this Section shall be cause for the City to permanently revoke the permit of the authorized user thereof without possibility of reinstatement.

24-9-9 **CONVICTIONS.** Two (2) convictions for moving violations by any authorized user herein of a non-highway vehicle, and arising out of the use of such vehicle shall cause the Registration herein to be terminated for a period of time not less than three (3) years.

24-9-10 **VIOLATIONS.** In addition to the revocation of the registration for a non-highway vehicle or golf cart as provided in this Article, any persons violating the provisions of this Article shall be subject to punishment as provided in Section 1-1-20 of the City Revised Code of Ordinances.

*(Ord. No. 1807; 09-28-15)*
CITATION FORM

NO. ____________________________________________________________

DATE ___________________________    TIME _______________________

LICENSE NO. _________________________    STATE ____________________

LICENSE EXPIRES _____________________    MAKE OF VEHICLE ________

METER NUMBER ________________________    OFFICER _________________

YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:

1. Overparked, Any Zone $10.00
2. Double Parked $10.00
3. Parked at Fire Plug $10.00
4. Blocking Driveway or Alley $10.00
5. Parked Where Official Signs Erected $10.00
6. Improper Parking $10.00
7. Yellow Line $10.00
8. Each Additional Hour Violation $10.00
9. Parking on Sidewalk $10.00

NAME ________________________________________________________

ADDRESS _____________________________________________________________________

CITY _______________    STATE _______________    ZIP CODE ________

You may settle and compromise a claim for illegal parking by paying the sum set forth above for the first particular violation and the same sum shall apply for the same particular offense for the second and each subsequent violation within 5 days after the time set out above. If not paid within this time limit, an Enforcement Warrant will be issued and an assessment of not less than $15.00 will be collected.

FOR YOUR CONVENIENCE

After detaching your Ticket Stub, place the fine in the envelope and deposit of such payment may be made at the City Hall.
SCHEDULE “A”

STOP INTERSECTIONS

In accordance with the provisions of Sec. 24-3-3, the following are hereby declared to be stop intersections; to-wit:

I. **ONE AND TWO-WAY STOPS.**

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<thead>
<tr>
<th>THROUGH STREET</th>
<th>STOP STREET - DIRECTION</th>
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<tbody>
<tr>
<td>Ash St.</td>
<td>Main St. (NW)</td>
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<td>Ash St.</td>
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<td>Best St.</td>
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<td>THROUGH STREET</td>
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<td>Miller Dr. (East Bd.) (#1780)</td>
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<tr>
<td>Hackman St.</td>
<td>Dawson St. (SW)</td>
</tr>
<tr>
<td>Hackman St.</td>
<td>Eighth St. (NE)</td>
</tr>
<tr>
<td>Hackman St.</td>
<td>Fifth St. (NE)</td>
</tr>
<tr>
<td>Hackman St.</td>
<td>Henry St. (Both)</td>
</tr>
<tr>
<td>Hackman St.</td>
<td>Mill St. (NE)</td>
</tr>
<tr>
<td>Hackman St.</td>
<td>Page St. (NE)</td>
</tr>
<tr>
<td>Hackman St.</td>
<td>Seventh St. (NE)</td>
</tr>
<tr>
<td>Hackman St.</td>
<td>Sixth St. (Both)</td>
</tr>
<tr>
<td>Hackman St.</td>
<td>Spring St. (Both)</td>
</tr>
<tr>
<td>Harris (East)</td>
<td>Mill St. (Both)</td>
</tr>
<tr>
<td>Harris (East)</td>
<td>SBI 16 (Old 66) (NW)</td>
</tr>
<tr>
<td>Harris (West)</td>
<td>Mill St. (Both)</td>
</tr>
<tr>
<td>Henry St.</td>
<td>Hibbard St. (SE) (#1471)</td>
</tr>
<tr>
<td>Henry St.</td>
<td>Maple St. (Both)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>Bunker Hill Road (SE)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>Fifth St. (SW)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>Lafayette St. (Both)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>Mill St. (Both)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>North St. (Both)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>Prairie St. (Both)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>Seventh St. (Both) (#1280)</td>
</tr>
<tr>
<td>THROUGH STREET</td>
<td>STOP STREET - DIRECTION</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Huston St.</td>
<td>W. Main St. (Both) (#1575)</td>
</tr>
<tr>
<td>Huston St.</td>
<td>North St. (SE)</td>
</tr>
<tr>
<td>Huston St.</td>
<td>Pearl St. (NW)</td>
</tr>
<tr>
<td>Irene St.</td>
<td>Mill St. (Both)</td>
</tr>
<tr>
<td>Lafayette St.</td>
<td>Laurel St. (#1108)</td>
</tr>
<tr>
<td>W. Lafayette St.</td>
<td>Caldwell St. (Both) (#1953)</td>
</tr>
<tr>
<td>W. Lafayette St.</td>
<td>N. Wood St. (Both) (#1953)</td>
</tr>
<tr>
<td>Laurel St.</td>
<td>Fifth St. (SW)</td>
</tr>
<tr>
<td>Laurel St.</td>
<td>Leonard St. (SE)</td>
</tr>
<tr>
<td>Laurel St.</td>
<td>Macoupin St. (#1109)</td>
</tr>
<tr>
<td>Laurel St.</td>
<td>Mill St. (Both)</td>
</tr>
<tr>
<td>Laurel St.</td>
<td>North St. (Both)</td>
</tr>
<tr>
<td>N. Laurel St.</td>
<td>Olive St. (Both) (#1570)</td>
</tr>
<tr>
<td>Lilian St.</td>
<td>Page St. (SW)</td>
</tr>
<tr>
<td>Lilian St.</td>
<td>Panhorst St. (NE)</td>
</tr>
<tr>
<td>Macoupin St.</td>
<td>Harris St. (SE)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Eighth St. (SW)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Fifth St. (Both)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Fourth St. (Both)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Henry St. (Both)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Main St. (SE)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Ninth St. (SW)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>SBI 16 (Old 66) (NW)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Second St. (Both)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Seventh St. (Both)</td>
</tr>
<tr>
<td>Madison St.</td>
<td>Sixth St. (Both)</td>
</tr>
<tr>
<td>Main St.</td>
<td>Henrietta St. (SE)</td>
</tr>
<tr>
<td>Main St.</td>
<td>Macoupin St. (Both)</td>
</tr>
<tr>
<td>Main St.</td>
<td>North St. (SW)</td>
</tr>
<tr>
<td>Main St.</td>
<td>Olive St. (SE)</td>
</tr>
<tr>
<td>Maple St.</td>
<td>First St. (Both) (#1929)</td>
</tr>
<tr>
<td>Maple St.</td>
<td>Fourth St. (NW)</td>
</tr>
<tr>
<td>Maple St.</td>
<td>Lafayette St. (Both)</td>
</tr>
<tr>
<td>Maple St.</td>
<td>Leonard St. (SE)</td>
</tr>
<tr>
<td>Maple St.</td>
<td>Pennsylvania St. (Both)</td>
</tr>
<tr>
<td>W. Olive St.</td>
<td>Caldwell (SW) (#1542)</td>
</tr>
<tr>
<td>Pearl St.</td>
<td>Bluff St. (NW)</td>
</tr>
<tr>
<td>Pearl St.</td>
<td>Cemetery Road (NW)</td>
</tr>
<tr>
<td>Pearl St.</td>
<td>Hackman St. (SW)</td>
</tr>
<tr>
<td>THROUGH STREET</td>
<td>STOP STREET - DIRECTION</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Pearl St.</td>
<td>S. Harris St. (Both) (#1166)</td>
</tr>
<tr>
<td>Pennsylvania St.</td>
<td>Wood St. (NW)</td>
</tr>
<tr>
<td>Reservoir Road</td>
<td>Ash St. (SE)</td>
</tr>
<tr>
<td>Reservoir Road</td>
<td>Leonard St. (Both)</td>
</tr>
<tr>
<td>Reservoir Road</td>
<td>Main St. (Both)</td>
</tr>
<tr>
<td>Reservoir Road</td>
<td>SBI 16 (NW)</td>
</tr>
<tr>
<td>SBI 16 (Old 66)</td>
<td>Henry St. (SW)</td>
</tr>
<tr>
<td>SBI 16 (Old 66)</td>
<td>Mill St. (SW)</td>
</tr>
<tr>
<td>SBI 16 (Old 66)</td>
<td>Pearl St. (SW)</td>
</tr>
<tr>
<td>SBI 16 (Old 66)</td>
<td>Reservoir Road (SE)</td>
</tr>
<tr>
<td>SBI 16 (Old 66)</td>
<td>Voge St. (SW)</td>
</tr>
<tr>
<td>Stone Creek</td>
<td>Deer Run (E) (#1919)</td>
</tr>
<tr>
<td>Stone Creek</td>
<td>Fox Manor (E) (#1919)</td>
</tr>
<tr>
<td>Stone Creek</td>
<td>Miller Dr. (W) (#1919)</td>
</tr>
<tr>
<td>Stone Creek</td>
<td>Wolf Creek (E) (#1919)</td>
</tr>
<tr>
<td>Stone Creek/Miller Dr.</td>
<td>Falcon Crest Ct. (E) (#1943A)</td>
</tr>
<tr>
<td>Taylor St.</td>
<td>Olive St. (NW)</td>
</tr>
<tr>
<td>Taylor St.</td>
<td>Pennsylvania St. (Both)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Fourth St. (NE)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Henry St. (Both)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Lafayette St. (Both)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Leonard St. (NE)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Macoupin St. (NE)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Mill St. (Both)</td>
</tr>
<tr>
<td>Union St.</td>
<td>North St. (NE)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Olive St. (NE)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Pennsylvania St. (Both)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Prairie St. (SW)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Sixth St. (NW)</td>
</tr>
<tr>
<td>Union St.</td>
<td>Spring St. (SW)</td>
</tr>
<tr>
<td>Voge St.</td>
<td>S. Harris St. (Both) (#1166)</td>
</tr>
<tr>
<td>Wabash St.</td>
<td>Fifth St. (Both)</td>
</tr>
<tr>
<td>Wood St.</td>
<td>Main St. (Both)</td>
</tr>
<tr>
<td>Wood St.</td>
<td>Mill St. (Both)</td>
</tr>
<tr>
<td>Wood St.</td>
<td>Pearl St. (Both)</td>
</tr>
<tr>
<td>Wood St.</td>
<td>Sixth St. (Both)</td>
</tr>
<tr>
<td>Wood St.</td>
<td>Spring St. (Both)</td>
</tr>
<tr>
<td>Woods Mill Dr.</td>
<td>Reservoir Rd. (N/S) (#1464)</td>
</tr>
</tbody>
</table>
II.  FOUR-WAY STOPS.

<table>
<thead>
<tr>
<th>STREET</th>
<th>STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bunker Hill Rd. at Deneen St. (#1285)</td>
<td></td>
</tr>
<tr>
<td>College at Eighth St.</td>
<td></td>
</tr>
<tr>
<td>Deneen at Lafayette</td>
<td></td>
</tr>
<tr>
<td>Deneen at Miller Dr.</td>
<td></td>
</tr>
<tr>
<td>Easton at Leonard</td>
<td></td>
</tr>
<tr>
<td>Easton at Pennsylvania</td>
<td></td>
</tr>
<tr>
<td>Hibbard at Main St.</td>
<td></td>
</tr>
<tr>
<td>Hibbard at Pearl</td>
<td></td>
</tr>
<tr>
<td>Hibbard at Sixth St. (#1280)</td>
<td></td>
</tr>
<tr>
<td>Laurel at Fourth St.</td>
<td></td>
</tr>
<tr>
<td>Laurel at Henry</td>
<td></td>
</tr>
<tr>
<td>Laurel at Main St.</td>
<td></td>
</tr>
<tr>
<td>Laurel at Pearl St.</td>
<td></td>
</tr>
<tr>
<td>Laurel at Pennsylvania</td>
<td></td>
</tr>
<tr>
<td>Madison at Mill</td>
<td></td>
</tr>
<tr>
<td>Madison at E. Sixth St. (#1879)</td>
<td></td>
</tr>
<tr>
<td>Union at Main St.</td>
<td></td>
</tr>
<tr>
<td>Union at Pearl</td>
<td></td>
</tr>
<tr>
<td>Union at Pennsylvania St. (#1430)</td>
<td></td>
</tr>
<tr>
<td>Union at Sixth St. (#1431)</td>
<td></td>
</tr>
<tr>
<td>Wood at Henry</td>
<td></td>
</tr>
</tbody>
</table>

III.  TWO OR THREE-WAY STOPS.

<table>
<thead>
<tr>
<th>STREET - DIRECTION</th>
<th>STREET - DIRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska St. (South Bd.)</td>
<td>Sixth St. (Both)</td>
</tr>
<tr>
<td>Deneen St. (North Bd.)</td>
<td>Miller St. (Both) (#1165)</td>
</tr>
<tr>
<td>Henry St. (Both)</td>
<td>Hibbard St. (South Bd.) (#1471)</td>
</tr>
<tr>
<td>Hibbard St. (South Bd.)</td>
<td>Eighth St. (Both)</td>
</tr>
<tr>
<td>S. Hibbard St. (South Bd.)</td>
<td>Henry St. (Both)</td>
</tr>
<tr>
<td>Maple St. (Both)</td>
<td>Eighth St. (East Bd.)</td>
</tr>
<tr>
<td>Tubular Steel Rd. (South Bd.)</td>
<td>W. Bunker Hill Rd. (Both) (#1157)</td>
</tr>
</tbody>
</table>
SCHEDULE “B”

ONE-WAY STREETS

In accordance with the provisions of Section 24-3-2 the following are hereby designated as one-way streets; to-wit:

<table>
<thead>
<tr>
<th>STREET - DIRECTION</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Edwardsville St. (North)</td>
<td>From 150 feet north of Main St. to W. North St.</td>
</tr>
<tr>
<td>N. Deneen St. (North)</td>
<td>From W. Lafayette St. to W. Bunker Hill Rd. (#1165)</td>
</tr>
<tr>
<td>Park Ln. (South)</td>
<td>From Leonard St. to Diamond Dr. (#1776)</td>
</tr>
</tbody>
</table>
SCHEDULE “C”

YIELD RIGHT-OF-WAY INTERSECTIONS

In accordance with the provisions of Section 24-3-4 the following streets are hereby declared to be yield right-of-way intersections, to-wit:

<table>
<thead>
<tr>
<th>THROUGH STREET</th>
<th>STREET - DIRECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Best St.</td>
<td>Page St. (Both) (#1471)</td>
</tr>
<tr>
<td>College St.</td>
<td>Seventh St. (Both)</td>
</tr>
<tr>
<td>Edwardsville St.</td>
<td>Ninth St. (Both)</td>
</tr>
<tr>
<td>Franklin St.</td>
<td>Pennsylvania St. (Both)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>Olive St. (Both)</td>
</tr>
<tr>
<td>Hibbard St.</td>
<td>Pennsylvania St. (Both)</td>
</tr>
<tr>
<td>Laurel St.</td>
<td>Lafayette St. (Both)</td>
</tr>
<tr>
<td>Laurel St.</td>
<td>Macoupin St. (Both)</td>
</tr>
<tr>
<td>Mill St.</td>
<td>Edwardsville St. (Both)</td>
</tr>
<tr>
<td>North St.</td>
<td>Franklin St. (South)</td>
</tr>
<tr>
<td>E. Pearl St.</td>
<td>Irene St. (North Bd.) (#1775)</td>
</tr>
<tr>
<td>E. Pearl St.</td>
<td>Williams (South Bd.) (#1775)</td>
</tr>
<tr>
<td>Taylor St.</td>
<td>Montgomery St. (Both)</td>
</tr>
<tr>
<td>Wood St.</td>
<td>Panhorst St. (Both)</td>
</tr>
</tbody>
</table>

SCHEDULE “D”

SPEED LIMIT STREETS

In accordance with the provisions of Section 24-4-2(A) the following streets are hereby declared to be speed limit streets, to-wit:

<table>
<thead>
<tr>
<th>STREET - LIMIT</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bunker Hill Rd./Stone Creek Dr. (25 MPH) From Tubular Steel Rd. to W. Miller Dr. (#1919)</td>
<td></td>
</tr>
<tr>
<td>Miller Dr./Stone Creek Dr. (25 MPH) From Falcon Crest Ct. to Tubular Steel Rd. (#1919)</td>
<td></td>
</tr>
<tr>
<td>W. Pennsylvania (20 MPH) Between Illinois State Route 4 and N. Union St.</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. No. 1496; 07-27-09)
SCHEDULE “E”

NO PARKING ZONES

In accordance with the provisions of Section 24-5-4 the following streets are hereby declared to be "no-parking" zones, to-wit:

I. GENERALLY.

<table>
<thead>
<tr>
<th>STREET - SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ill. Route 4 (Both)</td>
<td>Entire Distance (#598)</td>
</tr>
<tr>
<td>Deneen (East)</td>
<td>40 feet south of Lafayette St. (#1175)</td>
</tr>
<tr>
<td>Easton St. (West)</td>
<td>From Leonard St. to the railroad tracks (#1630)</td>
</tr>
<tr>
<td>Lafayette St. (Both)</td>
<td>From Franklin St. to Deneen St. (#946)</td>
</tr>
<tr>
<td>Leonard St. (North)</td>
<td>From Easton St. to Reservoir Rd. (#1943)</td>
</tr>
<tr>
<td>Leonard St. (South)</td>
<td>From Easton St. to alley east of Taylor St. (#937)</td>
</tr>
<tr>
<td>Mill St. (Both)</td>
<td>From Hackman St. east 300 feet (#598)</td>
</tr>
<tr>
<td>W. Pearl St. (Both)</td>
<td>From Hackman St. 75 feet towards Quarry (#1533)</td>
</tr>
<tr>
<td>W. Pearl St. (North)</td>
<td>From Edwardsville St. to Hibbard St. (#1104)</td>
</tr>
<tr>
<td>Prairie St.</td>
<td>From Deneen through State Route 4 (#1487)</td>
</tr>
<tr>
<td>Taylor St. (West)</td>
<td>From Prairie St. to Leonard St.</td>
</tr>
<tr>
<td>Union St. (East)</td>
<td>From Main St. to North St.</td>
</tr>
<tr>
<td>Union St. (East)</td>
<td>From Pearl St. to the alley north of Pearl.</td>
</tr>
<tr>
<td>Union St. (West)</td>
<td>From Pearl St. north 300 feet (#1059)</td>
</tr>
<tr>
<td>Union St. (West)</td>
<td>From Pearl St. to Henry St.</td>
</tr>
<tr>
<td>S. Union St. (West)</td>
<td>From In front of 205 S. Union for 66 feet</td>
</tr>
<tr>
<td></td>
<td>between the north and south existing driveway</td>
</tr>
<tr>
<td></td>
<td>entrances adjacent thereto (#1182)</td>
</tr>
<tr>
<td>Walnut St. (East)</td>
<td>From Henry St. through Mill St. (#1806)</td>
</tr>
<tr>
<td>Walnut St. (West)</td>
<td>From Southwest corner of E. Mill St. and</td>
</tr>
<tr>
<td></td>
<td>Walnut St. south 100’ Monday through Friday</td>
</tr>
<tr>
<td></td>
<td>from 8 A.M. to 6 P.M. (#1806)</td>
</tr>
<tr>
<td>Wood St. (East)</td>
<td>From Pearl St. to Main St.</td>
</tr>
<tr>
<td>Wood St. (West)</td>
<td>From Main St. to the alley south.</td>
</tr>
<tr>
<td>Wood St. (East)</td>
<td>From Pennsylvania St. to CMH Home Health</td>
</tr>
<tr>
<td></td>
<td>parking lot (#1153)</td>
</tr>
<tr>
<td>Wood St. (West)</td>
<td>From Pennsylvania St. to Lafayette St.</td>
</tr>
<tr>
<td></td>
<td>(#1282)</td>
</tr>
</tbody>
</table>

II. TWO-HOUR LIMIT.

N. Hibbard St. (East) north part of driveway of the existing Brown Office Building on N. Hibbard St. and Pearl St. (#1119)

W. Pennsylvania St. (Both) between its intersection with Caldwell St. and N. Wood St. (#1325)

Main St. from Union St. to Illinois State Route 4, Monday through Friday during the hours of 7:30 A.M. to 4:00 P.M. (#1767)
III. MISCELLANEOUS.

CITY PARKING LOT. Parking on City owned parking lot described as the corner of the East side of Union and North side of Pearl Streets, time limit parking shall be, front row facing Union Street and middle rows shall have two (2) hour parking. “No Parking” is allowed along the fence on east side and buildings located on the north side of the parking lot. (Ord. No. 1206; 09-23-02)

LOADING ZONE. There is hereby declared to be a loading zone established of approximately one (1) parking space in size, on the west side of the 100 block of South Union, near the side entrance to the Brick House Florist. For purposes of this Section, any parking area designated as a “loading zone” shall mean that no parking in the area marked as a loading zone shall be allowed, otherwise that when temporarily and actually engaged in the process of loading or unloading merchandise or passengers. (#1533)

CITY HALL PARKING LOT. There shall be three (3) parking spaces designated at the City Hall Parking Lot for use by City Clerk’s office only, and parking in these three spots shall be reserved for official use only. These three parking spots shall be the first, second and third parking spots headed East from the entry to the Police Department, parking North and South. The first two parking spots parking North and South, immediately adjacent to the entrance to the City Hall, parking East and West shall be designated for official police use only. (#1702)

The last parking spot at the North East Corner of the City Hall Parking Lot shall be designated as reserved for parking by Macoupin County Public Transportation Vehicles. (#1719)

IV. CLOSED ALLEYS AND RIGHT-OF-WAYS

<table>
<thead>
<tr>
<th>ALLEY</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-way</td>
<td>From Illinois State Route 4 to Wood St. (#1591)</td>
</tr>
</tbody>
</table>
SCHEDULE “F”

TIME-LIMIT PARKING

In accordance with the provisions of Section 24-6-4 the following are hereby declared to be “time-limit” parking zones; to-wit:

I. MISCELLANEOUS TIMES.

<table>
<thead>
<tr>
<th>STREET - SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wood St. (East)</td>
<td>From The alley north to Main St. for a continuous period of more than twenty (20) minutes at any time.</td>
</tr>
<tr>
<td>Deneen St. (West)</td>
<td>From Lafayette St. to Bunker Hill Rd. - No more than thirty (30) minutes between 7:30 A.M. and 4:00 P.M. -- Monday through Friday.</td>
</tr>
</tbody>
</table>

II. TWO-HOUR LIMIT FROM 7:30 A.M. TO 4:00 P.M. MONDAY THROUGH FRIDAY.

<table>
<thead>
<tr>
<th>STREET - SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deneen St. (East)</td>
<td>From Lafayette St. to Bunker Hill Rd.</td>
</tr>
<tr>
<td>Miller St. (Both)</td>
<td>From Deneen St. to Franklin St.</td>
</tr>
<tr>
<td>Prairie St. (Both)</td>
<td>From Deneen St. to Franklin St.</td>
</tr>
</tbody>
</table>

III. VISITOR PARKING WITH TWO-HOUR LIMIT FROM 7:30 A.M. TO 4:00 P.M. MONDAY THROUGH FRIDAY.

<table>
<thead>
<tr>
<th>STREET - SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deneen St. (West)</td>
<td>In front of School Library 4 spaces north and 1 space south of the current Handicap Parking spaces. (#1178)</td>
</tr>
</tbody>
</table>
**SCHEDULE “H”**

**HANDICAPPED PARKING ZONES**

In accordance with the provisions of Section 24-5-5(E) the following are hereby declared to be "Handicapped Parking Zones"; to-wit:

<table>
<thead>
<tr>
<th>STREET – SIDE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCEDP (Citizen’s Bank)</td>
<td>One space at the northeast corner of the intersection of Main and Elm Streets (#1533)</td>
</tr>
<tr>
<td>City Hall Parking Lot</td>
<td>One space (N.E. parking lot) 304 W Main (#1207)</td>
</tr>
<tr>
<td>Deneen St. (West)</td>
<td>Four spaces in the 700 block (#1126)</td>
</tr>
<tr>
<td>Deneen St. (West)</td>
<td>Two spaces in the 800 block (#1126)</td>
</tr>
<tr>
<td>Deneen St. (West)</td>
<td>Two spaces Staunton School District (Front) (#1115)</td>
</tr>
<tr>
<td>Edwardsville (East)</td>
<td>One space (City Hall/Cavataio’s) 101 S Edwardsville (East Side of Street) (#1207)</td>
</tr>
<tr>
<td>S. Edwardsville (West)</td>
<td>1st parking space in front of Post Office (113 S. Edwardsville) to the north (#1223)</td>
</tr>
<tr>
<td>S. Elm St. (West)</td>
<td>First two parking spots north of Henry St. (#1779)</td>
</tr>
<tr>
<td>Henry St. (North)</td>
<td>First two parking spots west of S. Elm St. (#1779)</td>
</tr>
<tr>
<td>Library Parking Lot</td>
<td>One space (SW Parking Lot) 304 W Main (#1207)</td>
</tr>
<tr>
<td>Main St. (East)</td>
<td>One space (Sullivan’s) 101 E Main (#1207)</td>
</tr>
<tr>
<td>Main St. (East)</td>
<td>One space (H&amp;R Block) 230 E Main (#1207)</td>
</tr>
<tr>
<td>Main St. (West)</td>
<td>One space (Cisler’s) 229 W Main (#1207)</td>
</tr>
<tr>
<td>Pennsylvania St. (West)</td>
<td>Two spaces (Nursing Home) 215 W Pennsylvania (#1207)</td>
</tr>
</tbody>
</table>

**SCHEDULE “J”**

**LOAD LIMIT STREETS**

In accordance with the provisions of Section 24-5-6 the following are hereby declared to be “load limit” streets; to-wit:

<table>
<thead>
<tr>
<th>STREET - LIMIT</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bunker Hill Rd. – 10 tons</td>
<td>From Edwardsville St. to Tubular Steel Rd. (#1208)</td>
</tr>
<tr>
<td>Reservoir Rd. – 10 tons</td>
<td>From Main St. to Leonard St. (#1833)</td>
</tr>
<tr>
<td>Sixth St. - 10 tons</td>
<td>From Madison west to Railroad Tracks</td>
</tr>
</tbody>
</table>
SCHEDULE “K”

STREETS DESIGNATED FOR SWEEPING

In accordance with the provisions of Section 24-5-11 the following streets are hereby designated as “street sweeping zones”; to-wit:

<table>
<thead>
<tr>
<th>STREET</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cedar Lane</td>
<td>From Edwardsville (Rt. 4) to Dead End</td>
</tr>
<tr>
<td>Deneen</td>
<td>From Bunker Hill Road to North Street</td>
</tr>
<tr>
<td>Edwardsville</td>
<td>From Pearl to North Street</td>
</tr>
<tr>
<td>Elm</td>
<td>From Henry to Duda Drive</td>
</tr>
<tr>
<td>Henry (Lutheran School)</td>
<td>From Wood to Union</td>
</tr>
<tr>
<td>Laurel</td>
<td>From Henry to North Street</td>
</tr>
<tr>
<td>Main</td>
<td>From Easton to Deneen Street</td>
</tr>
<tr>
<td>Mill</td>
<td>From Laurel to Elm</td>
</tr>
<tr>
<td>Pearl</td>
<td>From Laurel to Rt. 4 (Hibbard)</td>
</tr>
<tr>
<td>Prairie</td>
<td>From Edwardsville (Rt. 4) to Deneen</td>
</tr>
<tr>
<td>Route 4</td>
<td>From N. Edwardsville, Pearl and S. Hackman</td>
</tr>
<tr>
<td>Union</td>
<td>From Henry to North Street</td>
</tr>
<tr>
<td>Wood</td>
<td>From Pearl to Duda Drive</td>
</tr>
</tbody>
</table>

Subdivisions

- Canadian Crossing: All Streets
- Evergreen: All Streets
- Miller Drive: All Streets
- Stone Creek: All Streets
- Timberview: All Streets
- Woods Mill Drive: All Streets

(Ord. No. 1209; 10-28-02)
CHAPTER 25
NUISANCES

ARTICLE I - GENERALLY

25-1-1 SPECIFIC NUISANCES ENUMERATED. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City for any person, business, firm or corporation within the limits of the City to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) Filth. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) Deposit of Offensive Materials. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) Corruption of Water/Stagnant Pools of Water. To corrupt or render unwholesome, or impure, the water of any swimming pool, landscaping water feature, spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others. Any stagnant pool of water in the City is hereby declared to be a nuisance. It shall be unlawful for any person to permit such a nuisance to remain or exist on any property under his or her control.

(D) Highway Encroachment. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places. This prohibited encroachment specifically includes trees, shrubs, bushes, landscaping or other vegetation which impedes or in any way blocks visibility of public traffic signs or traffic regulatory devices.

(E) Manufacturing Gunpowder. To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within three hundred (300) feet of any valuable building erected at the time such business may be commenced.

(F) Powder Magazines. To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within eight hundred (800) feet of any occupied dwelling house.

(G) Noxious Odors. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) Unlawful Advertising. To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I) Wells Unplugged. To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J) Burn-Out Pits. To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn-out pit" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) Discarded Materials. To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) Underground Wells. To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.
Harassment. To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person’s attempt to sell, buy or lease a residence, or other real property, or refers to a person’s sale, purchase or lease of a residence or other real property.

Business. To establish, maintain, and carry on any offensive or unwholesome business or establishment within the City limits.

Filthy Premise Conditions. To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

Expectorate. To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

Litter on Streets, Sidewalks or Ditches. It shall be unlawful for any person to deposit upon or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets, sidewalks or ditches of the City from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

Accumulation of Junk And Trash. To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, bicycles or boats, appliances, inoperable gas/electric equipment, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles, barrels, containers, bottles, cans, glass, wire, paper, cardboard, personal belongings, inoperable bicycles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

Rodents. To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

Bringing Nuisances into the City. To bring into the City or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the City, or which may or shall be dangerous or detrimental to health.

Offensive Liquids. To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street, alley, or ditches, nor permit the same to be done by any person connected with the premises.

Dense or Offensive Smoke. To cause or permit the continual emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the City so as to cause annoyance or discomfort to the residents thereof.

Scrap Tires, Both Mounted and Dismounted. To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

Motor Transport Engines/Idle Engines. To operate motor vehicle transport engines, or to idle motor vehicle transport engines in the nighttime between the hours of ten (10:00) o’clock P.M. and six (6:00) o’clock A.M., in any place in which a majority of the buildings, within a radius of four hundred (400) feet are used exclusively for residence purposes, excluding state and federal highways.

Accumulation of Debris. To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

Generally. To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. (740 ILCS 55/221 – 55/222)

Firewood. Cord of Wood means a unit for quantity for cut fuel wood, equal to one hundred twenty-eight (128) cubic feet in a stack measuring four feet by eight feet (4’ x 8’).
Firewood means neatly stacked burnable wood cut into lengths of approximately one (1) to two (2) feet that require no further cutting of the wood prior to placing it in a wood burner or fireplace. Firewood does not mean pallets, shipping containers, lumber, construction products, or tree limbs or brush that are not cut to usable firewood and neatly stacked. No person shall store Firewood on residentially zoned property, except for use on the premises, and in conformance with the following: (1) not more than six (6) cords of firewood shall be stored at any time; and (2) the Firewood must be cut and neatly stacked in the rear or side yard of the residential property; and (3) all brush, debris and refuse from processing of firewood shall be removed within thirty (30) days of its creation.

(BB) Indoor Furniture/Appliances Outdoors. Indoor Furniture means any furniture or appliance not manufactured for outdoor use, including without limitation upholstered chairs, sofas, mattresses, water heaters, sinks, cabinets, refrigerators, freezers, stoves, carpet, washing machines, clothes dryers, televisions, sewing machines or microwave ovens. No person shall place, use, keep, store or maintain any Indoor Furniture in any outdoor area, on any porch, patio, rooftop, balcony or other unenclosed structure. Indoor Furniture placed for curb side pick-up for not more than forty-eight (48) hours or placed outside for sale in a garage or yard sale for not more than seventy-two (72) hours shall not be deemed a nuisance.

(CC) Inoperable Motor Vehicle/Motor Equipment. An Inoperable Motor Vehicle is one which not equipped with all parts required to legally operate on public streets or one that cannot be driven under its own power, or an unlicensed or unregistered motor vehicle. Storage of these vehicles outside a fully enclosed structure is prohibited. “Motor Equipment” includes boats, boat motors, utility trailers, motorcycles, lawn mowers, push mowers, golf carts, snowmobiles, forklifts, ATV’s, go carts, campers and recreational vehicles not equipped with all parts required to legally operate on public streets or that cannot be operated under their own power, or which are unlicensed. Storage of this Motor Equipment outside a fully enclosed structure is prohibited.

Nothing in this Section shall be construed to prevent the corporate authorities of this City from declaring what shall be nuisances, and abating them within the City limits.

(Ord. No. 1812; 10-26-15)

25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the City if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3 NOTICE TO ABATE. Whenever the Superintendent, Mayor, Police Chief or their designated representative finds that a nuisance exists, he shall direct the City Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

(A) A description of what constitutes the nuisance;
(B) The location of the nuisance;
(C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
(D) The date by which abatement must be completed;
(E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
(F) A statement that the responsible party has a right to appeal the abatement order to the City Council.
(G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this City will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 HEARING. Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice; otherwise, it will
be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing
shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed
to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall
render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it
abated within an additional time which must be reasonable under the circumstances.

25-1-5  APPEAL. Any party aggrieved by the decision of the Police Chief may appeal to
the City Council. Such appeal shall be taken by filing with the City Clerk within five (5) days of such
decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the City Council at the next regular or special meeting after such
filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated
within a time reasonable under the circumstances.

25-1-6  ABATEMENT BY CITY. If the person ordered to abate a nuisance fails to do
so, or if the nuisance poses an emergency, this City may perform the required action to abate. Any City
official who is authorized to abate any nuisance as defined in this Article shall have authority to engage
the necessary assistance and to incur the necessary expenses therefor. The official who abates a
nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed
with the City Clerk who shall pay such expenses on behalf of this City. (See 65 ILCS 5/11-60-2)

25-1-7  FAILURE TO COMPLY WITH NOTICE. If the person notified to abate a
nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance
within the time specified, such person shall be guilty of a violation of this Code. The City shall not be
required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

(See 65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)

(Ord. No. 1531; 05-10-10)
ARTICLE II - WEEDS

25-2-1 DEFINITIONS. "Weeds" as used in this Code shall include, but not be limited to the following:
Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds.

25-2-2 HEIGHT. It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the City. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

25-2-3 NOTICE. The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within five (5) days after such Notice has been duly served. If such grass or weeds are not taken care of after such notification, a citation will be issued. (Ord. No. 1176; 01-08-01)

25-2-4 SERVICE OF NOTICE. Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice by certified letter with return receipt to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 ABATEMENT. If the person so served does not abate the nuisance within five (5) days, the Police Chief may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant. (Ord. No. 1151; 06-28-99)

25-2-6 LIEN. Charges for such weed removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:
(A) A description of the real estate sufficient for identification thereof.
(B) The amount of money representing the cost and expense incurred or payable for the service.
(C) The date or dates when said cost and expense was incurred by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.
(D) All penalties, attorney’s fees and other fees that may apply.

25-2-7 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City after the lien is in effect for **sixty (60) days.**

(See 65 ILCS Secs. 5/11-20-6 and 5/11-20-7)
ARTICLE III - GARBAGE AND DEBRIS

25-3-1 ACCUMULATION PROHIBITED. No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 NOTICE TO PERSON. The Chief of Police or his designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within twenty-four (24) hours after such notice has been duly served. (Ord. No. 1151; 06-28-99)

25-3-3 SERVICE OF NOTICE. Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice by certified letter with return receipt to the last known residence address of the owner; provided that if the premises are unoccupied and the owner’s address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 ABATEMENT. If the person so served does not abate the nuisance within twenty-four (24) hours, the Police Chief or the designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant. (Ord. No. 1151; 06-28-99)

25-3-5 LIEN. Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.
(B) The amount of money representing the cost and expense incurred or payable for the service.
(C) The date or dates when said cost and expense was incurred by the City and shall be filed within sixty (60) days after the cost and expense is incurred.
25-3-6  PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7  FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien.

(See 65 ILCS Sec. 5/11-20-13)
CHAPTER 27
OFFENSES

ARTICLE I - DEFINITIONS

27-1-1 MEANINGS OF WORDS AND PHRASES. For the purpose of this Chapter the words and phrases of the Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20, as approved, adopted and amended are hereby adopted by the City, as fully as if set out herein. (See 65 ILCS Sec. 5/1-3-2)

27-1-2 CRIMINAL CODE ADOPTED. The Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City; the provisions thereof shall be controlling within the corporate limits of the City; provided, however, the penalties as provided by this Code shall apply. (See 65 ILCS Sec. 5/1-3-2 and 5/11-1-1)

ARTICLE II - GENERALLY

27-2-1 DISTURBING THE PEACE. No person shall disturb the good order of society, or the peace of any private family, or of any congregation within the City by any noise or amusement, or by vulgar or profane language, or by any disorderly or immoral conduct. (See 65 ILCS Sec. 5/11-5-2)

27-2-2 BARBED WIRE AND ELECTRIC FENCES. It shall be unlawful for any person to erect or maintain any electrically-charged fence or barbed wire or other such sharp, pointed fence below eight feet (8’) in height, except in an agricultural or conservation zone district.

27-2-3 ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.
27-2-4 POSTING BILLS. It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate.

27-2-5 INTOXICATION IN PUBLIC. No person shall, in the City, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this City or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. (See 65 ILCS Sec. 5/11-5-3)

27-2-6 CONCEALED WEAPONS. No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or revolver, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal. No person shall be in violation of this Section in regards to concealed handguns, pistols or revolvers who is in possession of a current and valid Illinois issued conceal and carry license. (Ord. No. 1885; 01-09-17)

27-2-7 DISCHARGE OF FIREARMS OR BOW AND ARROW. It shall be unlawful to discharge any firearm, bow and arrow, or air gun in the City, unless said activity occurs on an agricultural zoned parcel, or contiguous and commonly owned parcels of agriculturally zoned land, of five (5) acres or greater in size. Nothing in this Section shall be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen or individual from discharging a firearm in the defense of their life or property, or the life or property of another. (Ord. No. 1530; 04-26-10)

27-2-8 STORAGE OF EXPLOSIVES. (A) Nitroglycerine; Dynamite, Etc. No person shall have, keep, possess, or store at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them. (B) Blasting Powder, Etc. No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the City in any quantity exceeding five (5) pounds. (See 65 ILCS Sec. 5/11-8-4)

27-2-9 ABANDONED REFRIGERATORS OR ICEBOXES. It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of one and one-half (1 1/2) cubic feet or
more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code.  (See 720 ILCS Sec. 505/1)

27-2-10 CURFEW HOURS FOR MINORS.
(A) Definitions. Whenever used in this Section.
(1) “Curfew hours” means for minors ages sixteen (16) or seventeen (17):
   (a) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
   (b) 12:01 A.M. until 6:00 A.M. on Saturday; and
   (c) 12:01 A.M. until 6:00 A.M. on Sunday.
(2) “Curfew hours” means for minors ages fifteen (15) and under, between 10:00 P.M. on any day and 6:00 A.M. the following day.
(3) “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
(4) “Establishment” means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.
(5) “Guardian” means:
   (a) A person who, under court order, is the guardian of the person of a minor; or
   (b) A public or private agency with whom a minor has been placed by a court.
(6) “Minor” means any person under eighteen (18) years of age.
(7) “Operator” means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
(8) “Parent” means a person who is:
   (a) A natural parent, adoptive parent, or stepparent of another person; or
(b) At least **eighteen (18) years** of age and authorized by a parent or guardian to have the care and custody of a minor.

(9) **“Public Place”** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

(10) **“Remain”** means to:
(a) linger or stay; or
(b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

(11) **“Serious bodily injury”** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

**Offenses.**

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.

(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

(3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

**Defenses.**

(1) It is a defense to prosecution under subsection (B) that the minor was:
(a) Accompanied by the minor’s parent or guardian;
(b) On an errand at the direction of the minor’s parent or guardian, without any detour or stop;
(c) In a motor vehicle involved in interstate travel;
(d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
(e) Involved in an emergency;
(f) On the sidewalk abutting the minor’s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor’s presence;
(g) Attending an official school, religious, or other recreational activity supervised by adults and
sponsored by the City, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization or another similar entity that takes responsibility for the minor;

(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise or religion, freedom of speech, and the right of assembly; or

(i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.

(2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) Enforcement. Before taking any enforcement action under this Section, a police officer shall ask the apparent offender’s age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present.

(E) Penalties. A person who violates a provision of this Section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed Seven Hundred Fifty Dollars ($750.00). (Ord. No. 1454; 04-14-08)

27-2-11 THEFT OF RECYCLABLES UNLAWFUL. It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the City limits unless said person is acting as an agent for the City or acting as an agent for a waste hauler licensed by the City.
ARTICLE III

PUBLIC HEALTH, SAFETY AND DECENCY

27-3-1 DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE. A person commits disorderly conduct when he knowingly:

(A) does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
(B) transmits in any manner to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
(C) transmits in any manner to another a false alarm to the effect that a bomb or other explosive device of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive device is concealed in such a place; or
(D) transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or
(E) enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;
(F) while acting as a collection agency as defined in the “Collection Agency Act” or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or
(G) transmits a false report to the Department of Children and Family Services.

(See 720 ILCS Sec. 5/25-1)

27-3-2 LOITERING.

(A) Definitions. For purposes of this Code, the following words shall have the meanings ascribed to them as follows:

(1) "Loitering" shall mean and shall include the following activity: Remaining idle in essentially one location and spending time idly in connection therewith; 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.
(2) "Public Place" shall mean and include, but not be 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.

(3) "Surrounding Area" shall be defined as that area easily and immediately accessible to the person under observation.

(B) Determination of Probable Cause for Alarm or Concern and Prohibited Actions. Without limitation, the following activities and circumstances may be considered in determining probable cause for alarm or concern, and otherwise constitute prohibited actions for purposes of this law.

(1) The flight of a person upon the appearance of a police officer;
(2) Attempted concealment by a person of himself or an object upon the appearance of a police officer;
(3) Refusal to provide valid and current identification to a police officer upon request for same;
(4) The systematic checking by a person of doors, windows, or other means of access to buildings, houses or vehicles;
(5) 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 unreasonable period of time under the circumstances then existing;
(6) 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;
(7) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation;
(8) Repeatedly stopping or attempting to stop motor vehicles, or beckoning to or yelling at or otherwise attempting to converse with individuals driving motor vehicles or bicycles upon public roadways;
(9) Interfering with or otherwise obstructing the free passage of and access to public places by members of the public, owners, or employees, or to impede them from conducting business;
(10) Engaging in behavior that raises a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity;

(11) Passing to or receiving from passers-by, whether on foot or in a vehicle, or by courier, money or other objects of value;

(12) Engaging in behavior or activities that otherwise constitutes prohibited actions under Illinois law or the Revised Code of the City of Staunton, Illinois, including specifically, but not limited to, disorderly conduct and trespassing.

Loitering; Police Order to Disperse.

(1) It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place, where 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 shall be 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 potential for, or the actual free and uninterrupted passage of vehicles, traffic, or pedestrians.

(3) It shall be unlawful for any person to loiter, either along 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 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 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) herein, 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 do so shall be
guilty of a violation of this Section for the underlying violation, and shall also be guilty of failure to obey a lawful command.

(D) **Penalty.** Any person who violates any of the provisions of this Section shall be subject to a fine not less than **One Hundred Dollars ($100.00)** nor to exceed **Seven Hundred Fifty Dollars ($750.00)**. Any such violation shall constitute a separate offense on each successive day continued.

(Ord. No. 1296; 08-22-05)
ARTICLE IV – TOBACCO

27-4-1 SALE OF TOBACCO BY MINOR. It shall be unlawful for any person, firm or corporation to sell, buy for, furnish, exchange, or give away any cigarettes, cigar, tobacco in any form to children under the age if eighteen (18) years.

27-4-2 POSSESSION OF TOBACCO BY MINORS. No minor under eighteen (18) years of age shall have in his or her possession any cigar or cigarette in any of its forms. It shall not be in violation of this Article for any person under eighteen (18) years of age to possess tobacco while in the presence of his or her parent or guardian, or in the performance of a religious ceremony, or while participating in a theatrical performance.

27-4-3 REGULATION OF SMOKING AND TOBACCO CHEWING IN THE CITY. No person shall smoke or chew tobacco in any City building, except where designated.

(A) Definitions. As used in this Article, the following words have the following meanings:

(1) Smoke. To light, emit, or exhale the smoke of a pipe, cigar, cigarette or any other tobacco product.

(2) City Building. Any structure built for the support, shelter or enclosure of persons, animals, chattel, or property of any kind and which is permanently affixed to the ground and which is owned by the City of Staunton.

Any person using a cigarette in violation of this Article shall immediately cease and desist upon the request of any Police Officer, or City employee in charge of the building involved.

27-4-4 PENALTY. Any person or parent of any minor who violates this Article is guilty of a petty offense and for the first offense shall be fined not to exceed Seventy-Five Dollars ($75.00), and for a second or any subsequent offense shall be guilty of a petty offense and fined not to exceed One Hundred Dollars ($100.00).

(Ord. No. 1150; 06-28-99)
ARTICLE V - ANTI-LITTER

27-5-1  DEFINITIONS. For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

“AIRCRAFT” is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

“AUTHORIZED PRIVATE RECEPTACLE” is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

“CONSTRUCTION SITES” means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

“HANDBILL” is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

(A) advertise for sale any merchandise, product, commodity or thing; or

(B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

“LITTER” is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

“LOADING AND UNLOADING DOCK” means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

“PRIVATE PREMISES” means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds,
walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

“PUBLIC PLACE” means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

“PUBLIC RECEPTACLES” means any receptacles provided by or authorized by the City.

“VEHICLE” is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 LITTERING PROHIBITED. No person shall deposit any litter within the City except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 PREVENTION OF SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 RECEPTACLES - UPSETTING OR TAMPERING. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 SIDEWALKS AND ALLEYS FREE FROM LITTER. Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES. (A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter. (B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.
27-5-7  **LITTERING FROM VEHICLES.**  
(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.
(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the City unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8  **LITTERING FROM AIRCRAFT.**  No person in an aircraft shall throw out, drop or deposit any litter within the City.

27-5-9  **LITTER IN PARKS.**  No person shall deposit litter in any park within the City except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10  **HANDBILLS.**  
(A) **Public Places.**  No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.
(B) **Private Premises.**  No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.
(C) **Exemptions for Newspapers and Political Literature.**  The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.
(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

**27-5-11 POSTING NOTICES PROHIBITED.** No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

**27-5-12 CONSTRUCTION SITES.**

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

**27-5-13 LOADING AND UNLOADING DOCKS.** The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

**27-5-14 PARKING LOTS.**

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of one (1) refuse container for every fifty (50) parking spaces.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as
necessary to prevent spillage. A minimum container size of twenty (20) gallons or 75.7 liters shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

27-5-15 **CLEARING OF LITTER FROM PRIVATE PROPERTY BY THE CITY.** The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the State statutes. The Mayor or his designated representative shall be responsible for the implementation of this enforcement program.

(See 65 ILCS Sec. 5/11-1-1 and 415 ILCS Sec. 105/1 et seq.)

(Ord. No. 1302; 10-10-05)
ARTICLE VI - TRESPASSING

27-6-1 TRESPASSING. A person commits the offense of trespassing if they:
   (A) Knowingly and without lawful authority enter or remain within a building; or
   (B) Enter upon the land of another, after receiving, prior to such entry, notice from the owner, occupant, or agent or employee of the owner or occupant that such entry is forbidden; or
   (C) Remains upon the land of another, after receiving notice from the owner or occupant to depart.

27-6-2 NOTICE. A person has received notice from the owner, occupant, or agent or employee of the owner or occupant within the meaning of this Article if:
   (A) He has been notified personally, either orally or in writing including a valid court order; or
   (B) If a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof. Written notice may be provided using the form attached hereto as Exhibit A.

(Ord. No. 1380; 02-12-07)
ARTICLE VII - SYNTHETIC DRUGS

27-7-1  DEFINITIONS.

(A) Controlled Substances.

(1) Cannabis which includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination; and

(2) As also enumerated in the Controlled Substances Act, 720 ILCS 570/101 et seq., in effect upon the passage of this Chapter.

(3) Definition. As used in this Section, “Synthetic cannabinoid” means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog containing a cannabinoid receptor agonist, such as:

(a) JWH-007 (1-pentyl – 2-Methyl – 3-(1-naphthoyl)indole);
(b) JWH-015((2-Methyl-1—propyl-1H-indol-3-yl)-1-naphthalenylmethanone);
(c) JWH-018(1-pentyl-3-(naphthoyl)indole);
(d) JWH-019(1-hexyl-3-(naphthalene-1-oyl)indole);
(e) JWH-073(naphthalene-1-yl-(1-butylindol-3-yl)methanone);
(f) JWH-081(4-methoxynaphthalen-1-yl-(1-pentylin dol-3-yl)methanone);
(g) JWH-098(4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone);
(h) JWH-122(1-pentyl-3-(4-methyl-1-naphthoyl)indole);
(i) JWH-164(7-methoxynaphthalen-1-yl-(1-pentylin dol-3-yl)methanone);
(j) JWH-200(1-(2-morpholin-4-ylethyl)indol-3-yl)-haphthalen-1-ylmethanone);
(k) JWH-203(2-(2-chlorophenyl)-1-(1-pentylin dol-3-yl)ethanone;
(l) JWH-210(4-ethylnaphthalen-1-yl-(1-pentylin dol-3-yl)methanone;
(m) JWH-250(1-pentyl-3-(2-methoxyphenylacety)indole);
(n) JWH-251(1-pentyl-3-(2-methylphenylacetyl)indole);
(o) JWH-398(1-pentyl-3-(4-chloro-1-naphthoyl)indole);
(p) HU-210((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);
(q) HU-211((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);
(r) HU-308(((1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl)methanol);
(s) HU-331((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylthienyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione);
(t) CP55,940(2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol);
(u) CP47,497(2-[(1R,3S)-3-hydroxy-cyclohexyl]-5-(2-methyloctab-2-yl)phenol) and its homologues;
(v) WIN55,212-2(®(+-)[2,3-Dihydro-5-methyl-3-(4-morpholinyl)methyl]pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-nepthalenylmcthanone);
(w) RCS-4((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone);
(x) RCS-8(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).

(4) “Synthetic stimulant” means any compound which is a federally controlled Schedule 1 substance such as cathinone, methcathinone, MDMC and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance which have a stimulant effect on the central nervous system. Upon banning, any of the following substances or substances which contain the described characteristics shall be considered a “synthetic stimulant”.
(a) 3-Fluoromethcathinone;
(b) 4-Fluoromethcathinone (other name: flephedrone);
(c) 3,4-Methylenedioxymethcathinone (other name: methylone, MDMC);
(d) 3,4-Methylenedioxypyrovalerone (other name: MDPV);
(e) 4-Methylmethcathinon (other names: mephedrone, 4-MMÜe);
(f) 4-Methoxymethinone (other names: methedrone, bk-PMMA, PMMC);
(g) 4-Ethylmethcathinone (other name: 4-EMC);
(h) Ethylmethcathinone;
(i) Beta-keto-N-methylbenzodioxoylopropylamine (other names: butylone, bk-MBDB);
(j) Napthlypyrovalerone (other names: naphyrene, NRG-1);
(k) N,N-dimethylcathinone (other name: metamfepramone);
(l) Alpha-pyrrolininopropiophenone (other name: alpha-PPP);
(m) 4-methoxy-alpha-pyrrolininopropiophenone (other name: MOPPP);
(n) 3,4-methylenedioxy-alpha-pyrrolininopropiophenone (other name: MDPPP);
(o) Alpha-pyrrolininopropiophenone (other name: alpha-PVP);
(p) 6,7-kihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine)(other name: MDAI);
(q) Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:
   (i) In the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
   (ii) At the 3-position with an alkyl substituent;
   (iii) At the nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups;
   (iv) Or by inclusion of the nitrogen atom in a cyclic structure.

**Drug Paraphernalia.**

(1) Includes all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this Chapter. It includes, but is not limited to:
   (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
   (b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
   (c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
   (d) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
   (e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
   (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
(g) Separation gins and sifters used, intended for use, or
designed for use in removing twigs and seeds from, or in
otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices
used, intended for use, or designed for use in
compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used,
intended for use, or designed for use in packaging small
quantities of controlled substances;

(j) Containers and other objects used, intended for use, or
designed for use in storing or concealing controlled
substances;

(k) Hypodermic syringes, needles and other objects used,
intended for use, or designed for use in parenterally
injecting controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in
ingesting, inhaling, or otherwise introducing marijuana,
cocaine, hashish, or hashish oil into the human body, such
as:
   1. Metal, wooden, acrylic, glass, stone, plastic, or
ceramic pipes with or without screens, permanent
screens, hashish heads, or punctured metal bowls;
   2. Water pipes;
   3. Carburetion tubes and devices;
   4. Smoking and carburetion masks;
   5. Roach clips: meaning objects used to hold burning
material, such as a marijuana cigarette, that has
become too small or too short to be held in the
hand;
   6. Miniature cocaine spoons, and cocaine vials;
   7. Chamber pipes;
   8. Carburetor pipes;
   9. Electric pipes;
   10. Air driven pipes;
   11. Chillums;
   12. Bongs;
   13. Ice pipes or chillers;
   14. Glass tubes designed for smoking “crack” or similar
substances, approximately four (4) inches in
length and up to one-half (1/2) inch in
diameter. Said tubes are sold singularly or also as
packaging for certain novelty items, including, but
not limited to, miniature roses.

(2) In determining whether an object is drug paraphernalia, a court
or other authority should consider, in addition to all other logically
relevant factors, the following:
   (a) Statements by an owner or by anyone in control of the
object concerning its use;
(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance; 
(c) The proximity of the object, in time and space, to a direct violation of this Chapter; 
(d) The proximity of the object to controlled substances; 
(e) The existence of any residue of controlled substances on the object; 
(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Chapter the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia; 
(g) Instructions, oral or written, provided with the object concerning its use; 
(h) Descriptive materials accompanying the object which explain or depict its use; 
(i) National or local advertising concerning its use; 
(j) The manner in which the object is displayed for sale; 
(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products; 
(l) Direct or circumstantial evidence of a ratio of sales of the object(s) to the total sales of the business enterprise; 
(m) The existence and scope of legitimate uses for the object in the community; 
(n) Expert testimony concerning its use.

27-7-2 POSSESSION OF DRUG PARAPHERNALIA. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Chapter.

27-7-3 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Chapter.
27-7-4 **DELIVERY OF DRUG PARAPHERNALIA TO MINORS.** Any person eighteen (18) years of age or under who violates this Chapter by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a special offense. The amount of the fine which shall be imposed by a court as a penalty for a violation of a special offense shall be double the amount of the fine which would be imposed by a court for the offense were it not designated as a special offense.

27-7-5 **ADVERTISEMENTS OF DRUG PARAPHERNALIA.** It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

27-7-6 **UNLAWFUL SALE OR DELIVERY OF SYNTHETIC SUBSTANCES.** It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid or synthetic stimulant.

27-7-7 **UNLAWFUL POSSESSION OF SYNTHETIC SUBSTANCES.** It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid or synthetic stimulant.

27-7-8 **PENALTY.** Any person seventeen (17) years of age or older found to be in violation of Section 27-7-6 shall be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Seven Hundred Fifty Dollars ($750.00) for each violation thereof. Any person under the age of seventeen (17) who violates Section 27-7-6 shall be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Seven Hundred Fifty Dollars ($750.00) and/or not less than twenty (20) hours of community service.

Any person seventeen (17) years of age or older found to be in violation of Section 27-7-7 shall be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Seven Hundred Fifty Dollars ($750.00) for each violation thereof. Any person under the age of seventeen (17) who violates Section 27-7-7 shall be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Seven Hundred Fifty Dollars ($750.00) and/or not less than twenty (20) hours of community service.

Each violation of this Article, or every day a violation continues to exist, shall constitute a new and separate violation.

(Ord. No. 1624; 04-23-12)
Pursuant to 720 ILCS 5/21-3 and Chapter 27, Article VI of the Revised Code, you are hereby notified that no person shall be allowed to enter on or about these premises except for legitimate business purposes during business hours. Entry upon these premises, including any parking area, entryway, or sidewalk, shall be limited to business purposes during regular business hours. Any other presence on this property and lot with an address of:

Staunton, Illinois, is strictly prohibited and will be prosecuted as criminal trespass.

_________________________ Notice Posted on __________
Title

Please notify the Staunton Police Department at 635-3333 of any violations of the terms of this notice.
CHAPTER 30
PUBLIC SAFETY

ARTICLE I - CIVIL EMERGENCY

30-1-1 DEFINITIONS.

“CIVIL EMERGENCY” is hereby defined to be:
(A) A “riot or unlawful assembly” characterized by the use of actual force or violence or any power to execute by three (3) or more persons acting together without authority of law; or
(B) Any “natural disaster” or “man-made calamity”, including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the City resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

“CURFEW” is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 DECLARATION OF EMERGENCY. Whenever an emergency as defined in Section 30-1-1 exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

30-1-3 CURFEW. After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

30-1-4 AUTHORITY OF MAYOR TO ISSUE ORDERS. After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders.
(A) Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
(B) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
(C) Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(E) Issue such other orders as are imminently necessary for the protection of life and property.

30-1-5 EFFECTIVENESS. The proclamation herein authorized shall be effective for a period of forty-eight (48) hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each forty-eight (48) hour period during the time the civil emergency exists.

30-1-6 NOTIFICATION. Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the City and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the City:

(A) The City Hall.
(B) The Post Office.
(C) The Library.

(See 65 ILCS Sec. 5/11-1-6)
ARTICLE II - POLICE DEPARTMENT

DIVISION I - DEPARTMENT ESTABLISHED

30-2-1 DEPARTMENT ESTABLISHED. There is hereby established a department of the municipal government of the City which shall be known as the Police Department. The Police Department shall consist of the Chief of Police and of such number of patrolmen as may be provided from time to time by the City Council.

30-2-2 OFFICE OF CHIEF CREATED. There is hereby established the office of the Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council.

30-2-3 DUTIES OF CHIEF. The Chief of Police shall keep records and make reports concerning the activities of his department as may be required. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

30-2-4 APPOINTMENT OF PATR OLMEN. A sufficient number of patrolmen shall be appointed by the Mayor, by and with the advice and consent of the City Council to serve for one (1) year or until his successor is appointed and qualified. A police officer may be appointed to office by the Mayor and City Council if he meets the necessary qualifications notwithstanding the fact that the policeman is not a resident of the City when appointed or when he is to serve as such an official.

30-2-5 SALARY. The police department shall receive such compensation as may be provided by City ordinance or by resolution of the City Council.

30-2-6 DUTIES. The policeman shall devote his entire time to the performance of the duties of his office and is hereby charged with the preservation of the peace, order and safety of the City and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the City Council. He shall take notice of all nuisances, obstructions and defects on the highways or other public places, and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Mayor he shall attend, either in person or by deputy, all meetings of the City Council, execute all its orders.
and close the Council Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the City or laws of the State of Illinois.

30-2-7 **MUTUAL AID CONTRACT.** The Police Department, with the approval of the City Council, may enter into an agreement to provide police protection to neighboring municipalities.

30-2-8 **SPECIAL POLICEMEN.** The Mayor may, on special occasions when, in his judgment for public peace and order of the City shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve all such special policemen, during such time, shall possess the powers and exercise the duties of regular police patrolmen; provided that their appointment, if for more than **ten (10) days** shall be subject to the consent of the City Council in the manner that other appointments to office by the Mayor are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

30-2-9 **LEGAL PROCESSES.** All police shall have the power and authority to execute City warrants or other similar legal processes outside the corporate limits of the City and within such distance therefrom as authorized by law in all cases when any ordinance of the City Council made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the City.

30-2-10 **ASSISTING POLICE OFFICER.** Every police officer of the City may, at any time, call upon any able-bodied person(s) above the age of **eighteen (18) years** to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act.

30-2-11 **AIDING FIRE DEPARTMENT.** Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.
30-2-12  **FAILURE TO PERFORM.** Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of his official duties, guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

30-2-13  **AIDING IN ESCAPE.** It shall be unlawful for any person in this City to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

30-2-14  **USE OF INTOXICATING LIQUOR.** No member on an active tour of duty or while wearing the official policeman's badge of the City shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

30-2-15  **WITNESS FEES.** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the City Treasurer.

30-2-16  **RULES AND REGULATIONS.** The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable and such rules, when approved by the Mayor, shall be binding on such members.

30-2-17  **TRAINING.** All policemen, prior to entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures by the proper authorities as established by the State of Illinois for firearms training. Such courses of training shall not be less than four hundred (400) hours in duration. Upon completion of the course of training, the applicant shall file with the Mayor a certificate attesting to the completion of the course.
30-2-18 **COMPENSATION.**  Policemen shall receive such hourly compensation for their services as determined by the corporate authorities, provided such services are performed at the direction of the Chief of Police.

30-2-19 **STOLEN PROPERTY.**  The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the City.

30-2-20 **ILLINOIS LAW ENFORCEMENT TRAINING STANDARDS BOARD.**
(A)  All police officers, other than those officers who shall be employed on a full-time basis, shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board.
(B)  The aforesaid hiring standard, particularly with respect to part-time police officers employed by the City, shall be submitted to the Illinois Law Enforcement Training Standards Board, as required by statute.
(Ord. No. 1581; 05-09-11)

30-2-21 - 30-2-24 **RESERVED.**
(See 65 ILCS Sec. 5/11-1-2)
DIVISION II – AUXILIARY POLICE

30-2-25 APPOINTMENT. The Mayor is hereby authorized to appoint auxiliary policemen as volunteers, subject to the advice and consent of the City Council. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and have a complete background check done. No person shall be appointed as an auxiliary policeman if he or she has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least eighteen (18) years of age. The appointment of any auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the City Council.

General. Auxiliary officers of the Staunton Police Department will be expected to follow all the rules, directive and standards of conduct as that of a full-time officer. As with full-time employees, auxiliary officers are expected to keep their private life unsullied and to adhere to the Police Code of Ethics and Code of Conduct.

30-2-26 NOT MEMBERS OF POLICE DEPARTMENT. Auxiliary policemen shall not be part of the City's full-time police force and they shall have the same residency requirements as full-time and part-time employees of the City. Identification symbols and uniforms worn by such auxiliary policemen shall be different and distinct from those used by the regular Police Department and shall be selected and chosen by the Chief of Police. Auxiliary policemen shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police or his designee.

30-2-27 POWERS AND DUTIES. Auxiliary policemen shall have the following powers and duties when properly assigned and on duty:

(A) To aid or direct traffic in the Municipality.
(B) To aid in control of natural or man-made disasters.
(C) To aid in case of civil disorder.
(D) All auxiliary officers, before beginning duty and at the end of duty, will notify the dispatcher in person.
(E) Auxiliary officers will only be allowed to patrol the City while accompanied with and under the supervision of full time officers.
(F) Auxiliary officers are not permitted to drive or operate City owned vehicles.
(G) Auxiliary officers must be completing, or have completed, high school or possess a G.E.D.
(H) Auxiliary officers must pass a physical examination.
(I) Auxiliary officers may exercise all other powers as auxiliary police that the Chief of Police may prescribe, which are not inconsistent with any of the above limitations.

(Ord. No. 1377; 01-08-07)

30-2-28 FIREARMS PROHIBITED. Auxiliary policemen shall not carry firearms.

(Ord. No. 1377; 01-08-07)

30-2-29 TRAINING. Auxiliary policemen shall attend and complete any training that is requested of them by the Chief of Police to perform their duties.
30-2-30 **COMPENSATION.** Auxiliary policemen will be known as volunteer employees of the City.

30-2-31 **RESERVED.**

(Ord. No. 1179; 04-09-01)

(See 65 ILCS Sec. 5/3.1-30-20)

**DIVISION III - PART-TIME POLICE**

30-2-32 **EMPLOYMENT.** The City may employ part-time police officers from time to time as they deem necessary.

30-2-33 **DUTIES.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Staunton Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1 et seq.) and the rules and requirements of the ILETSB.

30-2-34 **HIRING STANDARDS.** Any person employed as a part-time police officer must meet the following standards:

(A) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.

(B) Be at least **twenty-one (21) years** of age.

(C) Meet fitness standards established by the Police Officer Wellness Evaluation Report ("Power Test").

(D) Pass a medical examination.

(E) Possess a high school diploma or GED certificate.

(F) Possess a valid State of Illinois driver’s license.

(G) Possess no prior felony convictions.

(H) Any individual who has served in the U.S. military must have been honorably discharged.

30-2-35 **DISCIPLINE.** Part-time officers shall be under the disciplinary jurisdiction of the chief of police and/or the Board of Police Commissioners. Part-time police officers serve at the discretion of the City authorities, shall not have any proper rights in said employment, and may be removed by the City at any time, in accordance with procedures established in any collective bargaining agreement covering said part-time employees. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

(Ord. No. 1603; 11-14-11)
ARTICLE III

EMERGENCY SERVICES AND DISASTER AGENCY (ESDA)

30-3-1 AGENCY ESTABLISHED. There is hereby created the Staunton ESDA to prevent, minimize, repair and alleviate injury or damage caused by enemy attack, sabotage, or other hostile action, or from natural or homemade disaster, in accordance with "The Illinois Emergency Management Act of 1992" which will be referred as IEMA.

This ESDA shall consist of the Coordinator and up to twenty (20) members as may be selected by the Coordinator.

30-3-2 COORDINATOR.

(A) Appointment, Qualifications. The Coordinator of the City ESDA shall be appointed by the Mayor with confirmation by the City Council. He shall be versed and qualified by reason of experience or other proper training and shall participate in such other training programs that may be necessary.

(B) Term of Office. The Coordinator's term of office shall be determined at the discretion of the City Council and until his successor is appointed, confirmed by the City Council and meets the necessary certification.

(C) Vacancy in Office. In the event of the absence, resignation, death or inability to serve as Coordinator, the Mayor or any person designated by him, and approved by the City Council, shall e and act as Coordinator until a new appointment is made as provided in this Chapter.

(D) Responsibility of the Coordinator. The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the Mayor as approved by the City Council.

(E) Removal From Office. The Coordinator of the Staunton ESDA may be removed from office by the City Council for incompetence, neglect of duty or malfeasance in office. In a proceeding to remove the Coordinator from office, a petition shall be filed with the City Council naming such officer as defendant and setting forth the particular facts upon which the request for removal is based. The Council shall set the matter for hearing not earlier than five (5) days after service upon the defendant, which service shall be in accord with that as in suits in chancery. The Council shall thereupon proceed to a determination of the charges against the defendant and shall enter on order either dismissing the charges or removing them from office.

30-3-3 FUNCTIONS. The City ESDA shall perform such ESDA functions within the City as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor,
and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the IEMA of 1992.

30-3-4 **CHAIN OF COMMAND.** It shall be the responsibility of the Coordinator to establish a working chain of command within the ESDA organization to insure efficiency during times of disaster. Further, the Coordinator will distribute this chain of command to all appropriate officials and department heads.

30-3-5 **SERVICE AS MOBILE SUPPORT TEAM.** All or any members of the City ESDA organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by law. The leader of such mobile support team shall be designated by the Coordinator of the City ESDA organization. Any member of a mobile support team who is a City employee or officer while serving on call to duty by the Governor or the State Director shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State reasonable compensation as provided by law.

30-3-6 **AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.** The Coordinator may enter into agreements with other public agencies within our immediate vicinity and other municipal corporations or bodies politic within this State for reciprocal assistance in case of disaster too great to be dealt with unassisted. Such agreements are effective only after the consent of the City Council and after properly filed with and approved in writing by the State Director of ESDA.

30-3-7 **EMERGENCY ACTION.** If the Governor proclaims that an emergency exists in the event of actual enemy attack upon the United States or in the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from manmade or natural disaster, it shall be the duty of the City ESDA to cooperate fully with the County and State ESDA and with the Governor in the exercise of emergency powers as provided by law.

30-3-8 **REIMBURSEMENT BY STATE.** The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the City for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a mobile support team while serving
outside the City in response to a call by the Governor or State Director of IEMA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

30-3-9 PURCHASES AND EXPENDITURES. The City Council may, on recommendation of the City Coordinator of ESDA, authorize any purchase of contracts necessary to place the City in a position to effectively combat any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster, or from manmade or natural disaster.

In the event of enemy-caused or other disaster, the City Coordinator of ESDA is authorized, on behalf of the City, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by “The State IEMA of 1992”, provided, that if the Mayor and Council meets at such time, they shall act subject to the directions and restrictions imposed by that body.

30-3-10 OATH. Every person appointed to serve in any capacity in the Staunton ESDA organization shall, before entering upon their duties, subscribe to the following oath, which shall be filed with the Coordinator:

“I, _________________________ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Staunton ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

30-3-11 OFFICE. The Mayor of the City is authorized to designate space in a City building, or elsewhere, as may be provided by the City.
30-3-12 **EMERGENCY PREPAREDNESS PLAN.** The Coordinator has the responsibility of establishing an Emergency Preparedness Plan, which will be referred to as EPP. The EPP shall outline the responsibilities of various departments of the City and their assignments to ESDA; and this plan shall provide for all types of disaster that may occur in Staunton, to include but not be limited to enemy attack, natural disaster such as tornadoes, floods, train wrecks, explosions and major fires.

Each City department head and office holder has the responsibility to cooperate in formulating a plan covering his responsibilities when an emergency occurs in any type of disaster; further, he should supply the Coordinator with a complete resource list of all equipment and personnel that may be available during an emergency.

The plan will be renewed annually by the Coordinator and the respective office holders and department heads.

30-3-13 **CIVIL EMERGENCY PREPAREDNESS SQUAD.**

(A) **Organization Created, Membership, Supply of Uniforms and Other Articles.** An organization is hereby created called the Civil Emergency Preparedness Squad which is not to exceed twenty (20) volunteer members who are authorized to wear uniforms that are to be purchased by the said volunteers.

The City shall furnish other items necessary, not to exceed the cost of Twenty Dollars ($20.00) per person. The items furnished shall be turned in to the City in the event of a termination of membership.

(B) **Purpose.** The purpose of this organization is to augment the regular City employees in time of emergency or as otherwise directed by the Mayor or the Coordinator of ESDA or the department supervisor, but not to relieve or replace them in the performance of their regular duties.

(C) **Organization.** The organization of the Civil Emergency Preparedness Squad shall be the following:

- Communications, storm warning, etc.
- Auxiliary law enforcement volunteers (per SOP under Chief of Police)
- Water, Street and Alley Department squad, etc.
- Radiological monitoring, shelter squad, etc. (Ord. No. 634; 03-24-75)

30-3-14 **PUBLIC SHELTERS MANAGERS.**

(A) **Duties Upon Emergencies.**

(1) In case of national emergency, public shelter managers, duly appointed by the ESDA Coordinator, shall open public shelters, take charge of all stocks of food, water and other supplies stored in the shelter, admit the public according to the City’s shelter use plan and take whatever control measures are necessary for the protection and safety of the occupants.
(2) In case of local disaster, the shelter manager shall open public shelters for the safety and protection of the community.

(B) **Obedience to Shelter Manager.** Shelter managers are authorized to use reasonable restraint against those who refuse to cooperate with the routine of shelter living under emergency conditions. Refusal to carry out the orders of the shelter manager and his appointed staff shall be deemed a misdemeanor punishable by a fine of not more than **Seven Hundred Fifty Dollars** ($750.00) or a jail sentence of not more than **one (1) year**, or by both such fine and imprisonment.

**30-3-15 LOCAL DISASTER EMERGENCIES.** A local disaster emergency may be declared by the Mayor. It shall not be continued or renewed for a period in excess of **seven (7) days** except by or with the consent of the Council. Any order or proclamation declaring, continuing or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.

**30-3-16 APPROPRIATION, LEVY OF TAXES.** The City Council may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed **Five Cents** ($0.05) per **One Hundred Dollars** ($100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by the State ESDA Act; however, that amount collectible under such levy shall in no event exceed **Twenty-Five Cents** ($0.25) per capita. 

*(Ord. No. 1034; 01-24-94)*
EXHIBIT “A”

CHAUFFEURS, TEAMSTERS, WAREHOUSEMEN AND HELPERS
LOCAL UNION NO. 525
ALTON, ILLINOIS
AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS
AND
CITY OF STAUNTON, ILLINOIS
LOCATED IN THE
JURISDICTION OF
TEAMSTERS LOCAL UNION NO. 525

PERIOD COVERED

MAY 1, 2017 THROUGH APRIL 30, 2022

AGREEMENT

This Agreement is entered into by the City of Staunton, Illinois a body politic, hereinafter referred to as City or the Employer and Teamsters Local Union No. 525, affiliated with the International Brotherhood of Teamsters, hereinafter referred to as the Union, after engaging in collective bargaining pursuant to the Illinois Public Labor Relations Act (5 ILCS 315/1 et seq.) for the purpose of promoting harmonious relations between the Employer and the Union, the establishment of an equitable and peaceful procedure for the resolution of differences, and the establishment of rates of pay, hours of work and other conditions of employment.

ARTICLE I – RECOGNITION

Section 1. Unit Recognition. It is agreed by the Employer that the International Brotherhood of Teamsters Local Union No. 525 shall be the sole bargaining agent for all persons employed in the bargaining unit for the purpose of establishing wages, hours, and other conditions of employment as required by the Illinois Public Labor Relations Act. The bargaining unit will consist of all commissioned Police Officers of the Staunton Police Department of all ranks including part time officers, with the exception of Captain, Major, Assistant Chief and Chief of Police. It will also include Dispatchers, part time Dispatchers and such other classifications as may be added in accordance with the agreement.

Section 2. New Positions. If a new position is added to the bargaining unit in accordance with the agreement, the parties will negotiate as to the proper pay grade for the position. If no agreement is reached within thirty (30) calendar days of the creation of the new position, then the Union may appeal the proposed pay grade to the arbitration step of the grievance procedure.

Section 3. The City will neither negotiate nor make collective bargaining agreements for any of its employees in the bargaining unit covered hereby, unless it be through duly authorized representatives of the Union.

Section 4. Management Rights. Except as specifically limited by the express provisions of the Agreement, the City retains all traditional rights to manage and direct the affairs of the City of Staunton and its Police Department in all of their various aspects and to manage and direct employees, including but not limited to the following: to determine the mission of the Department and to set standards of service offered to the public; to plan, direct, control and determine all the operations and services of the Department; to supervise and direct the working forces; to assign and transfer employees; to establish
the qualifications of employment, determine the number of employees, and to employ employees; to schedule and assign work; to establish performance standards; to assign overtime; to determine the methods, means, organization and number of personnel by which such operations and services shall be provided or purchased; to make, alter and enforce various rules, regulations, orders and policies; to evaluate employees; to discipline, suspend and discharge employees for just cause (probationary employees without cause); to change, alter, modify, substitute or eliminate existing methods, equipment, uniforms or facilities; to hire employees and to promote employees; to lay off employees when necessary; to determine and establish training requirements for positions within the Department; and to establish, change, combine or abolish positions and the job duties of any position in accordance with operational requirements. The City expressly reserves the right under this Agreement to exercise all management right set forth in Section 4 of the Illinois Public Relations Act. In addition, the City may establish all requirements, rules, policies and procedures concerning the probationary period for newly hired employees.

**ARTICLE II – NONDISCRIMINATION**

**Section 1.** The City of Staunton, Illinois agrees that it will not sponsor or promote, financially or otherwise, any group or labor organization for the purpose of undermining the Union, nor will it interfere with, restrain, coerce or discriminate against any of its employees in connection with their membership in the Union. The City of Staunton, as Employer, and Teamsters Local Union No. 525 agree that neither of them shall take any action which shall discriminate against any individual based on an individual’s race, sex, religion, or national origin, age, marital status or veteran status.

**Section 2. Nondiscrimination Against Union.** The Employer agrees that there shall be no discrimination by its representatives against officers and members of Local Union No. 525 engaged in negotiations of agreements, the adjustment of grievances or the performance of any other legal union activity in the interest of the Union and its members.

The union steward and grievant shall, after giving appropriate notice to their supervisor, be allowed reasonable time off with pay during working hours, if scheduled, to attend grievance hearings or meetings called or agreed to by the Employer, and if such attendance does not substantially interfere with the Employer’s operations. No union steward, grievant or witness shall be paid for attendance at grievance hearings or meetings which occur during times when they are not on duty.

**Section 3.** The Union agrees not to discriminate against Fair Share members of the bargaining unit.

**ARTICLE III – UNION SECURITY CLAUSE**

**Section 1. Membership Dues Checkoff.** Upon receipt of written authorization by the employee, submitted on a form provided for by the Union, the Employer shall deduct from each employee’s paycheck such Union membership dues. Such deductions shall continue until the employee revokes his/her written authorization in the same manner as it was initially given or until the termination date of this Agreement. The amount of deductions provided for herein shall be remitted to the Union on a monthly basis, accompanied by a listing of the employee, his/her social security number and the specific deduction and amount of each.

All new employees as defined herein shall become members of the Union or pay fair share not later than the thirtieth (30th) day following their date of hire or within thirty (30) days of the execution of this Agreement as a condition of employment; and shall continue in good standing in the Union or pay fair share pursuant with the Law as a condition of continued employment.

The Union shall advise the Employer of any increase in dues or fair share fees at least thirty (30) calendar days prior to its effective date.
Section 2. Indemnification. The Union shall indemnify, defend and hold the Employer blameless against any claim, denial, suit or liability owning from any action by the employee in complying with this Article.

ARTICLE IV – SENIORITY

Section 1.
(A) The seniority of each employee shall date from his/her latest hiring date.
(B) For all employees covered by the bargaining unit, seniority shall be followed in layoffs, recalls.
(C) A current seniority list will be posted periodically on the departmental bulletin board. Copy of same will be supplied to the Union.
(D) If an employee does not qualify during the probationary time provided, either as a promotional change or because of a change from one position to another within the Police Department, he or she shall return to the position from which he or she left.
(E) Job Descriptions presented to Union on 3-21-2000 will be put into effect on May 1, 2000 with the attached disclaimer, “This job description is intended to indicate the kind of tasks and levels of difficulty that will be required of positions that are given this title and shall not be construed as declaring what the specific duties and responsibilities of any particular position shall be. It is not intended to limit or in any way modify the right of any supervisor to assign, direct and control the work of employees under their supervision. The use of a particular expression or illustration describing those duties shall not be held to exclude other essential functions, responsibilities, or duties not mentioned in this job description that are of similar kind or level.” Any current employees who do not meet the qualifications or certifications described in the job descriptions presented by management on 3/21/00, if the City chooses to enforce them in total, will be trained at City expense to meet the new standards. New job descriptions will apply to new hires or present employees if they are promoted into new position.

Section 2. Probationary Period. All new employees shall be considered probationary employees during their first six (6) months of employment after completion of all mandatory training and certification. After completion of both requirements their seniority shall date back to their last date of hire within the Department. Until an employee has completed the probationary period, he may be disciplined, laid off, recalled, terminated, or discharged at the Employer’s discretion, without recourse to the grievance and arbitration procedure. There shall be no seniority among probationary employees.

Section 3. Loss of Seniority. An employee shall lose seniority rights:
(A) If he quits or resigns for any reason;
(B) If he is discharged for just cause;
(C) If he fails to commence work within three (3) working days after being notified to report to work (by certified mail to his last known address), following receipt of the letter unless good cause is shown;
(D) If the employee has not been recalled from layoff for more than twelve (12) months from the last day of employment.
(E) If he fails to report for work at the termination of a leave of absence within three (3) working days after having been notified by certified mail at last known address.
(F) If he accepts other employment without permission while on a leave of absence for personal health reasons.

Section 4. Layoffs. When the Employer determines that layoffs are necessary, the Employer shall have the sole discretion to determine the number of employees to be laid off.

Section 5. Recalls. Employees shall retain recall rights for twelve (12) months. If the Employer authorizes that a vacancy be filled, employees on layoff with recall rights shall be recalled by seniority.
Employees who are eligible for recall shall be given three (3) calendar days’ notice of recall by registered or certified mail sent to the employee’s last known address. It is the responsibility of the employee on layoff to provide the Employer with his latest mailing address. The employee must notify the Employer within three (3) days after receipt of notice whether the employee will accept recall.

ARTICLE V – PART TIME EMPLOYEES

The Employer may hire part time employees who shall be known as “part time employees”. Such part time employees shall be used as follows and subject to the conditions listed below:

(A) No part time employee shall be employed while any regular employee is on layoff status unless the laid off employee refused the offer to work, is unable to work or is on vacation.

(B) Part time employees shall be advised of their employment status at the time they are hired as part time employees. The Employer shall notify the steward when part time employees are hired.

(C) Part time employees shall be on separate seniority list than regular full-time employees.

(D) The Employer shall make available to the Union, upon its request records to show the hours of part time employment, the name of the regular employees and dates when part time employees were used in their place.

(E) Part time employees are entitled to the grievance procedure the same as any other employee.

(F) Part time employees must accept at least one (1) work assignment out of three (3) requests to work within a sixty (60) calendar day period, or they may be terminated. Only exceptions to this will be a physician’s excuse or unavailability due to an individual already being scheduled to work at his/her regular full-time job.

(G) Part time employees will not participate in the Employer’s benefit plan, which at this time includes health, dental, life and disability insurance and a qualified retirement plan. Part time employees will not qualify for holidays, sick days or vacation days. If a part time employee works at least one thousand five hundred seventy-two (1,572) hours in a year, then the following year said part time employee will receive benefits as if he was a full-time employee.

(H) All part time employees to be paid at the same rate as regular full-time employees.

ARTICLE VI – STEWARDS

Section 1. The Employer recognizes the right to the Union to designate one steward and alternates from the Employer’s seniority list.

The authority of stewards and alternates designed by the Union shall include, but are not limited to the following duties and activities: The investigation and presentation of grievances with the Employer or the designated City representatives in accordance with the provision of the collective bargaining agreement.

Section 2. Stewards and alternates have no authority to take strike action, or any other action interrupting the Employer’s business except as authorized by official action of the Union. The City recognizes these limitations upon the authority of stewards and their alternates, and shall not hold the Union liable for any unauthorized acts. The Employer in so recognizing such limitations shall have the authority to impose proper discipline, including discharge, in the event the shop steward has taken action in violation of this Agreement.

Section 3. Stewards shall be permitted reasonable time, after first making arrangements with their supervisor, to investigate, present and process grievances on the Employer’s property, without loss of time or pay, during his/her regular working hours, if scheduled, and if such activity does not substantially interfere with the Employer’s operations.
ARTICLE VII – MAINTENANCE OF STANDARDS

The City agrees that all conditions of employment relating to wages, hours of work, and all other general working conditions, shall be maintained at not less than the highest standard in effect at the signing of this Agreement and shall not be changed or discontinued except by agreement between the City and the Union. It is further agreed that any rights, privileges or benefits with respect to wages, hours of work, and other general working conditions previously enjoyed or at the present being enjoyed by the employees herein shall not be changed or discontinued except by agreement between the City and the Union. All rights, benefits and privileges established by ordinance, statute or any other law not specifically changed or altered herein, shall remain in full force and effect.

ARTICLE VIII – SEPARABILITY AND SAVINGS

In the event that any part or provision of this Agreement shall be rendered or declared invalid by reason of any law, or State or Federal Governmental body regulation, order or decree of any court or board, then only that part or provision rendered or declared invalid shall be considered null and void, and the remainder of this Agreement shall remain in full force and effect according to its original terms. In such event, the parties hereto agree to negotiate in good faith in an attempt to modify said invalid provision in such fashion as to preserve the original intent of the Agreement as nearly as legally possible. If the parties are unable to agree on such language, the issue or issues shall be submitted to an arbitrator through the grievance procedure to effectuate this purpose. The arbitrator’s decision shall be confined to making the determination of whether the Employer’s or Union’s proposal most nearly preserves the original intent of the provision which has been invalidated.

ARTICLE IX – CONTINUITY OF OPERATIONS

Section 1. Statutory Provision. The parties acknowledge that this bargaining unit is a security employees’ unit under the provision of the Illinois Public Labor Relations Act, 5 ILCS 315/14 and 315/17, and that the employees of this bargaining unit are prohibited by law from striking.

Section 2. Strike and Lockout Prohibited. Neither the Union nor any of its officers, agents or Staunton Police Department employees will instigate, promote, encourage, sponsor, engage in or condone any strike, slowdown, concerted work stoppage, sympathy strike or any other intentional interruption of work during the term of this Agreement. The Employer shall not lock out any employees in the bargaining unit during the term of this Agreement.

Section 3. Union Action. In the event that a strike or other violation of Section 1 of this Article occurs, the Union agrees to take all reasonable effective and affirmative action to have its members return to work as promptly as possible, and to give members written notice of same.

Section 4. Penalties. Any or all employees who have been found to have violated any of the provisions of this Article IX may be discharged or otherwise disciplined by the Employer. Such discipline may include loss of compensation, vacation benefits and holiday pay. In an arbitration proceeding involving a breach of this Article, the sole question for the arbitrator to determine is whether the employee engaged in prohibited activity. In addition to the penalties provided herein, the Employer may enforce any other legal rights and remedies to which it may be entitled by law.

ARTICLE X – HOURS OF WORK AND OVERTIME

Section 1. Hours of Work. Schedules and staffing levels shall be determined by the Chief of Police. For the purposes and term of this contract the City will guarantee minimum staffing levels for the Police Department to be five (5) full time Police Officers (excluding the Chief of Police) and three (3) full time
dispatchers. Schedule changes shall be discussed with officers prior to changes and permanent schedule changes shall be posted thirty (30) days in advance.

The minimum manning provisions of this Section shall expire upon ratification of the successor collective bargaining agreement to this Agreement. This provision shall survive the expiration of this Collective Bargaining Agreement. Further, the Union agrees that it clearly and unmistakably waives the right to bargain over minimum manning for the successor Collective Bargaining Agreement.

The current work periods for dispatchers shall remain in effect until such time as new schedules are deemed necessary by the Chief of Police.

No shifts shall be outsourced to non-bargaining unit employees.

Scheduled shifts will be posted seven (7) days prior to the start of the month scheduled. If no a prescheduled shift the vacant shift will be filled by use of a rotating call out list. Said rotating list will be posted in the dispatcher’s office and be kept updated.

A temporary work period change lasting for one (1) eight (8) hour shift may be made for scheduled court appearances or emergency situations. Extended schedule changes must be posted at least seven (7) days prior to the first eight (8) hour shift or said shift will be paid at the overtime rate.

Employees wishing to change or trade a scheduled shift must notify the Police Chief in writing prior to the trade, and it must be approved by the Police Chief or his designated representative.

Section 2. Overtime.

(A) The accumulation of overtime in any work period shall be computed in accordance with the Wage and Hour Provisions of the Fair Labor Standards Act as amended.

(B) Employees covered by this Agreement shall be compensated at one and one-half (1 ½) times the basic straight time wages (which include any appropriate incentives) for their classifications for the time worked in excess of the regular scheduled agreed upon daily shift or time worked on scheduled days off, except as specifically addressed in other sections in this Agreement. The parties have agreed upon a ten (10) hour schedule, a copy of which is attached, which shall be put into place by the City.

(C) Pay for overtime hours worked during the regular work period or on a holiday shall not be duplicated, pyramided, or counted again for the purpose of computing overtime pay.

(D) Overtime shall be divided and offered as equally and impartially as possible among all eligible employees. It is understood that no employee is relieved from his/her obligation to work overtime if the operation requires it.

(E) Probationary officers will not be eligible for call-in overtime until they are certified as law enforcement officers as required by the State of Illinois.

(F) Compensatory time can only accumulate up to a maximum of eighty (80) hours. All time which is banked by the employee as compensatory time, regardless of how the compensatory time was earned (i.e. holiday time, overtime) shall be combined into one compensatory time category for tracking purposes. All time in excess of the limit will be paid on the next paycheck.

Section 3. Callback.

(A) Call back is defined as an official assignment of work which does not continuously precede or follow an employee’s regularly scheduled shift.

(B) An employee who has completed his/her regularly scheduled shift and is "called back" by the Employer will receive a minimum of two (2) hours pay at their overtime rate. If an employee works over one (1) hour of overtime, the employee may at his/her discretion take compensatory time off at the rate of one and one-half (1 ½) times the regular rate of pay in lieu of monetary enumeration. The time off will be agreed upon by the Chief of Police and the employee affected and scheduled in advance.
Section 4. Short Changes Between Shifts. Employees of Staunton Police Department shall be paid time and one-half (1 ½) for short changes in shifts during any twenty-four (24) hour period. Short change is defined as when there is less than an eight (8) hour break between regular scheduled shifts for any reason.

ARTICLE XI – COURT TIME

Section 1. When an employee is required to appear in court on job related cases, during off duty hours, they shall receive at least four (4) hours of pay, anything over four (4) hours will be paid at the overtime rate.

All court time will be paid during the work period it was earned.

Section 2. When an employee is put on standby for court, he/she will be given a radio receiver pager to wear for the time period that they are off duty and on standby.

ARTICLE XII – UNPAID LEAVE OF ABSENCE

Section 1. Criteria for Unpaid Leave. Leaves of absence without pay may be granted for health, educational, personal, or military reserve purposes. Leaves of absence may only be granted by the Employer. Leaves may be granted with the following understanding between the Employer and employees.

If an employee fails to return to work after an approved leave of absence and is notified to return to work by registered letter, directed to his/her last known address on the City’s records, and fails to return to work within two (2) working days following receipt of the letter, then the Employer may make the determination on said employee’s continued employment.

In cases where the position is held open, the position may be filled with a temporary employee. In cases where the position is not held open, employees on leave wishing to return will be considered for the first position open of like pay and classification.

Section 2. Health Leave. The Employer agrees to fully comply with the terms of the “Family and Medical Leave Act of 1993,” 29 USC 2611. Prior to taking unpaid leave under the terms of the “Family and Medical Leave Act of 1993” the employee may use all accumulated paid leave. Any such paid leave used by the employee shall be added to unpaid leave to equal the maximum leave permitted under the Act. For purposes of this Section, the term “year” shall mean calendar year.

Section 3. Education Leave. An educational leave may be granted by the Employer to employees with six (6) months of service when the education program is of mutual benefit to both the Employer and the employee. The length of the leave will be determined in accordance with the type of program attended.

Section 4. Active Call to the Armed Services. A leave of absence shall be granted by the Employer to employees with six (6) months of service and who are called to active service in the Armed Forces. The employees service date and resulting benefits will remain intact. The employee will be taken back in a position of like pay and classification if he/she returns within ninety (900 days) of discharge from the Armed Forces.

Section 5. Personal Reasons. An unpaid leave of absence may be granted for personal reasons to employees with six (6) months of service for personal reasons serious in nature. The length of this leave will not exceed six (6) months. This leave will not be given in circumstances covered by the health leave provided for in Section 2 of this Article.
Section 6. Workers Compensation. Workers Compensation leave will be covered by the applicable state laws.

ARTICLE XIII – DISCIPLINE AND DISCHARGE

Section 1. Police Commission Board agrees with the tenets of corrective and progressive discipline. Disciplinary action will be consistent with the Police Commission Board’s rules and regulations and will, in appropriate circumstances, include only the following:

(A) Oral
(B) Written warning
(C) Suspension without pay
(D) Discharge

Section 2. Just Cause. The Police Commission Board agrees that disciplinary action will only be imposed for just cause and shall be imposed as soon as practical after Police Commission Board learns of the occurrence giving rise to the need for disciplinary action and after Police Commission Board has a reasonable opportunity to investigate the facts.

Section 3. Use of Prior Warnings. Reprimand for any infraction shall be purged from all records when more than fifteen (15) months have elapsed since the employee was last warned for such an offense, and shall not be considered in imposing any disciplinary penalty. However, an arbitrator or judge reviewing the merits of a discharge case shall review the employee’s entire personnel file.

Section 4. Written Notice. The employee, the steward and the Union shall be notified of disciplinary actions. Such notification shall be in writing and reflect the specific nature of the offense and directions to the employee for the future behavior.

Section 5. Limitation. The requirement to use progressive disciplinary action does not prohibit the Employer from using a severe measure, including discharge, when the offense indicates that a substantial shortcoming or action of the employee renders the continuation of employment of the employee detrimental to the Employer. Such actions include but are not limited to: illegal possession of a controlled substance or alcohol, intentional destruction or theft of City property, fighting on the job, and appearing for work under the influence of drugs or alcohol.

Section 6. Predisciplinary Meeting. For discipline other than reprimands, prior to notifying the employee of the contemplated discipline to be imposed, the Police Commission Board shall notify the Union of the meeting and then shall meet with the Employee involved and inform the employee of the reason for such contemplated discipline, including any names of witnesses and copies of pertinent documents. The employee shall be informed of his contract right to Union representation and shall be entitled to such, if so requested by the employee, and the employee and Union representative shall be given the opportunity to rebut or clarify the reasons for such discipline and further provided that a Union representative shall be available within twenty-four (24) hours of notification. If the employee does not request Union representation, the Union shall nevertheless be entitled to be present as a non-active participant at any such meetings.

ARTICLE XIV – GRIEVANCE AND ARBITRATION PROCEDURE

Section 1. Grievances or disputes which may arise as to the interpretation and enforcement of this Agreement shall be settled in the following manner, excepting in those instances where the employees or Union chooses to appeal such grievances through other available means such as Civil Service Commission, the courts or any other currently available legal recourse. This option may be exercised at any time prior to the arbitration hearing.
**Step 1.** Bring the said dispute, in writing, to the attention of the Chief of Police no later than **ten (10) working days** after the occurrence that gave rise to the grievance. If the Chief of Police cannot resolve the dispute within **ten (10) working days**, the Union will have the right to submit the alleged grievance, in writing by registered mail, to the Chairperson of the City Police Committee.

**Step 2.** Upon receipt of notice of said grievance, the Police Committee will have **ten (10) working days** to resolve the grievance. If the Police Committee does not or cannot satisfactorily solve the problem, the complaint will be presented to the City Board. The City Board will have **thirty (30) working days** to resolve the dispute.

**Step 3.** If no agreement has been reached pursuant to the procedure specified in Sections 1, 2 and 3, the Union reserves the right to request arbitration of the dispute. The parties shall, within **ten (10) days** thereafter, make joint written request to the Department of Labor, State of Illinois, which will submit a panel of **five (5) arbitrators**, one of whom shall decide the matter. A list of the panel of arbitrators shall be sent by said service to both parties. The Union shall, within **seventy-two (72) hours**, strike one name from the list of nominees so submitted and forthwith notify the other party of the name so stricken. The parties will alternately strike such submitted names until only **one (1) name** remains, who shall then automatically become the chosen arbitrator for that grievance. Notice of the selection of the arbitrator shall be given forthwith to the Department of Labor, State of Illinois. The expense of the arbitrator so selected shall be borne equally by the Union and the Employer.

The parties shall mutually agree to the time and place in which the hearing will be conducted.

If the grievance is submitted to arbitration, the Union and the Employer agree to accept the arbitrator’s decision. Said decision shall be final and binding upon the parties affected.

The Employer and/or Union shall have the right to request the arbitrator to require the presence of witnesses and/or documents. Each party shall bear the expense of its witness.

**Section 2.** A binding settlement may be reached between the Employer and the Union at any step of the Grievance Procedure.

**Section 3.** The time limits referred to herein may be extended by mutual agreement of the Employer and the Union.

**Section 4.** The aggrieved employee has the right to be present at each step of the grievance procedure.

**Section 5.** The arbitrator shall not have the power to add to, subtract from, or modify any of the terms of this Agreement.

**Section 6.** Failure of either party to comply with the grievance and arbitration procedure as outlined in this Article will be considered as a contract violation and will permit either party to use any legal recourse which they deem necessary.

**Section 7. Subject Matter.** Only one subject matter shall be covered in any one grievance. A grievance shall contain a statement of the grievant complaint, the Article and Section of the Agreement allegedly violated, the date of the alleged violation, the relief sought, the signature of the grieving employee(s) and the current date.
ARTICLE XIV – SICK LEAVE

Section 1. Purpose. Sick leave may be used for illness, disability, or injury of the employee; family appointments with doctors, dentists, or other recognized health care practitioners.

Section 2. Accumulation. All full-time employees shall accrue sick leave at the rate of thirteen (13) days per year. These sick leave days shall vest with the employee on an accrual basis at the rate of one-half (½) day per pay period. Only sick days which have been accrued or accumulated by the employee shall be available for use. Three (3) of the thirteen (13) accrued sick leave days shall be available to the employee for use as personal days. All new full-time employees shall begin to accrue sick leave at the rate provided for herein after the completion of their six (6) month probationary period, and upon satisfactory completion of probation, will be awarded the sick leave which would have accumulated during their probationary period. This provision will take effect immediately for any new hire full time employees and/or full-time employees currently on probation. For all other full-time employees who have already been awarded their sick/personal days for the year, this provision will take effect as of May 1, 2010, and they will begin to accrue sick/personal leave as described above.

Time spent by an employee during a period when he is not on the active payroll due to termination, layoff, or leave of absence shall not constitute service time for the purpose of accruing sick leave.

Sick leave days will be allowed to accumulate up to a maximum of one hundred (100) days. At termination of employment with the City, in good standing, a bargaining unit member will be paid Ten Dollars ($10.00) for each day accumulated up to a maximum of fifty (50) days.

Section 3. Return to Work. If an employee is absent from work because of illness or injury for three (3) days, upon the employee’s return to work such employee will be required to present a certification signed by a licensed physician in order to qualify for sick leave benefits.

Section 4. Sick Leave Abuse Sanctions. For the purpose of this Article, abuse of sick leave is the use of such for reasons other than those stated in this Article. Upon sufficient evidence of the abuse of sick leave, the employee will not be paid for sick leave taken. Continued abuse of sick leave will subject the employee to the disciplinary action pursuant to the terms of this Agreement.

Section 5. Miscellaneous Issues Related to Use of Sick Leave. Neither sick nor personal leave days shall be available to be utilized by an employee after the employee quits, or provides notice of pending resignation. Upon receipt by the City of the employee’s pending resignation, or upon the employee quitting his/her position, whichever occurs earlier, all sick and personal leave accumulated by the employee shall be frozen, and the employee shall be paid out for all such accumulated time on the employee’s next pay period occurring after the employee quits or provides notice of pending resignation. In the event that additional leave days are accrued by the employee during the period of time between the employee’s notice of pending resignation and the actual resignation date, those additional accrued days shall also not be available for usage by the employee, who shall instead be paid for any such additional accrued time on the employee’s last paycheck.

ARTICLE XVI – HOLIDAYS

Section 1. All full-time employees shall receive pay for the following designated holidays:

- Employee’s Birthday
- New Year’s Day
- *Easter (Good Friday)
- Christmas Eve
- Christmas Day
- Fourth of July
- Labor Day
- Veteran’s Day
- Thanksgiving Day
- Day after Thanksgiving
- Memorial Day
*The Easter holiday will be observed on Good Friday, except when a full-time employee’s regular day off falls on Good Friday, in that case, that employee will observe the holiday on Easter. If an employee is scheduled to work both Good Friday and Easter, then Good Friday will be observed as their holiday.

**Section 2. Pay for Holidays Worked.** When a full-time employee works on a paid holiday as provided for in Section 1 of this Article, such employee shall be paid for the actual hours worked at the rate of **one and one-half (1 1/2) times** the hourly rate of pay.

**Section 3. Holidays Falling in Vacation.** In the event a holiday falls within a full-time employee’s vacation period, he shall be granted an additional day of vacation with pay.

**Section 4. Eligibility.** In order to receive holiday pay, a full-time employee must work the employee’s last scheduled day before and the next scheduled day after the holiday unless such employee is absent from work with the approval of the Police Chief or his designated representative.

**Section 5.** Employer agrees to notify employees at least **thirty (30) calendar days** in advance if they are going to be scheduled to work on any given holiday.

**ARTICLE XVII - VACATIONS**

**Section 1. Vacation Leave.** Vacations shall be earned from anniversary date to anniversary date. Only full-time employee shall be eligible for vacation leave. No employee shall be entitled to vacation leave until the completion of **one (1) year** of service with the City. Vacation leave and approved sick leave shall count as time worked. Vacation leave may be granted in advance of the anniversary date by the Chief of Police. Any full-time employee who has accumulated a year’s service with the City of Staunton and thereafter separates from the City’s employ for any reason, shall be entitled upon such separation to receive (a) payment in lieu of any vacation fully earned but not taken, and (b) payment in lieu of any vacation partially earned but not taken, computed on a pro-rata basis of **one-twelfth (1/12)** of earned vacation for each month’s service. It is agreed that this Section in no way is intended to change or amend any benefits an employee would receive under the Worker’s Compensation Act.

(A) After **one (1) year** of service – **two (2) weeks** of vacation with pay.
(B) After **seven (7) years** of service – **three (3) weeks** of vacation with pay.
(C) After **fifteen (15) years** of service – **four (4) weeks** of vacation with pay.
(D) After **twenty-five (25) years** of service – **five (5) weeks** of vacation with pay.

**Section 2. Vacation Pay.** All vacation leave for full-time employees will be paid at the regular hourly rate and on the basis of their regular daily scheduled shift.

**Section 3. Vacation Request.** All full-time employees must submit in writing to the Police Chief or his designated representative a request for vacation, at least **two (2) weeks** in advance for any tie period greater than **three (3) days**. The Chief will return to the employee a copy of the vacation request marked either approved or disapproved, within a reasonable time. Vacation time will not be used in less than **eight (8) hour** increments and all vacation usage must be approved.

**Section 4. Accumulation.** Any employee permitted to take vacation leave must use that leave during the year immediately following the anniversary date on which it is earned. The employee will be allowed to carry over up to **one (1) week** of vacation leave into the next year. Any vacation in excess of said time which remains unused will be paid to the employee at the rate of pay in effect at the time on the employee’s anniversary date.
ARTICLE XVIII - MISCELLANEOUS

Section 1. Funeral Leave. All employees shall receive three (3) consecutive days off, one (1) of which will include the date of the funeral, with full pay, in the event of death in the immediate family, immediate family being: spouse, children, spouse of children, parents of both employee and spouse, brothers and sisters of the employee and spouse, brother-in-law and sister-in-law, grandchildren and grandparents of employee and spouse. Proof of attendance at the funeral may be required by the City.

Section 2. Jury Duty Leave. All scheduled employees who are called to jury service shall be excused from work on the days on which they serve. The employee shall present proof that they did serve or report, and the amount of pay received, the employee shall be paid, for each day, the difference between each day of jury pay and eight (8) times his hourly rate of pay to the extent that the employee is not paid by another employer.

Section 3. The Union shall have a bulletin board for their use at a location agreed by the City and steward. This shall be used for posting notices of the Union meetings and social affairs and notices of the Union elections and results thereof.

Section 4. Printing of the Agreement. The Union shall be responsible for the printing of necessary copies of this Agreement and will include a table of contents at the beginning of the Agreement.

The Union shall distribute one (1) copy to each bargaining unit employee covered by this Agreement and shall also provide one (1) copy to each new bargaining unit employee, regardless of Union membership or status, upon employment. One (1) copy shall be provided to the Chairman of the Police Committee.

Section 5. Complaints of Citizens. The Chief of Police shall have full authority to investigate all complaints by citizens whether verbal or in writing. If the circumstances require, the Chief may require the complainant and any witness to prepare written statements. Sworn police officers shall be entitled to the protections afforded under the terms of the Uniform Peace Officer’s Disciplinary Act. 50 ILCS 725/1.

Section 6. Equipment and Safety. Damaged, broken, missing, or unsafe equipment shall be reported to the Police Chief in writing by the shop steward. A return letter shall be sent to the steward advising of the action taken.

Section 7. Off Duty Employment. The Chief of Police is to be notified of any employees outside employment, name of employer and working phone number. The purpose of this Section is to enable the Staunton Police Department to contact employees in an emergency situation.

ARTICLE XIX – CLOTHING ALLOWANCE

Upon initial employment, full time employees shall be supplied with two (2) full sets of uniforms, by the Employer. Duty weapons not included.

Full-Time Officers and Dispatchers.

Full-time officers shall receive an annual clothing allowance of Five Hundred Dollars ($500.00) per fiscal year beginning May 1 of each year. Full-time dispatchers shall receive an annual allowance of Three Hundred Fifty Dollars ($350.00). All purchases shall be made from currently approved vendors.

Each full-time officer or dispatcher requesting a uniform purchase shall submit a written request to the Chief of Police or his designee. The request shall be dated and describe the item, quantity and purchase price, if known, of the uniform items requested. The Chief of Police or his designee will check with the
supplier and obtain a statement of all costs, including shipping and handling prior to placing order and note same against the member’s clothing allowance when placing the order. If the cost of goods exceeds the member’s current allowance, the Chief of Police or his designee shall collect the difference from the member prior to purchase, giving him a receipt therefore and shall place the order. All orders shall be placed within five (5) business days of request by the member. Date of request shall determine as to what fiscal year the items shall be charged. The Chief of Police or his designee shall notify the member in writing that the order has been placed. Upon receipt of the item, the Chief of Police or his designee shall check all costs against the member’s allowance to be certain that the account is correctly deleted and remit the ordered items to the member together with a written statement of his current account.

Part-Time Officers and Dispatchers.

Upon initial employment, part-time employees will be supplied with two (2) complete sets of uniforms. Thereafter, uniform items will be supplied on an as needed basis and subject to the purchase rules as set out in Section 1-11-1 of Chapter 11 of the Staunton Municipal Code. Duty weapons are the responsibility of the employee.

Part-time officers and dispatchers shall submit their requests to the Chief of Police or his designee in writing.

All requests shall be dated and shall describe the item, quantity and cost therefore, if known. The request shall also state the member’s need for the item.

Upon receipt of written request, the Chief of Police or his designee will determine the need and reasonableness of the request and comply with Section 1-11-1 of Chapter 11, Municipal Finances of the Staunton City Code or amendments thereto if the purchase if over Fifty Dollars ($50.00) and inform the member whether or not his request is approved in writing within five (5) business days of receipt of the request.

Ordering shall be done by the Chief of Police or his designee. Upon receipt of the order the Chief of Police or his designee shall make note on the item, date of purchase and cost of the item in the member’s clothing allowance file and remit the item to the member with a copy of his clothing allowance statement for that year.

Should the request be disapproved, the member shall be notified in writing of disapproval by the Chief of Police or his designee within five (5) business days. Notification shall explain the reason for disapproval and alternatives that the member may use to acquire the item, if any.

Appeals by the member may be first taken to the commissioner and then to the shop steward if not resolved by the police commissioner to the satisfaction of the member.

ARTICLE XX – PENSION AND HEALTH AND WELFARE

Section 1. Pension. The City Dispatchers shall continue to participate in the Illinois Municipal Retirement Fund now in effect or as amended hereafter. The Police Officers come under the Illinois Police Pension Act (40 ILCS 5/3-101) during the term of this Agreement, both parties agree to fully cooperate in the implementation of the Act.

Section 2. Health and Welfare. There has been previously established in the City of Staunton an Advisory Health Insurance Committee. This Committee shall consist of two (2) elected officials of the City Council, one being Chairman of the Finance Committee, who shall serve as the Chairman of the Advisory Health Insurance Committee, and two (2) bargaining unit employees. This committee shall
recommend one Health Insurance Program for all employees. It shall be their duty to meet at least once a year to review the benefits of the plan and to make recommendations to the City Council for its consideration.

Commencing November 1, 2017, all Full-Time Employees will be provided Health Insurance coverage with the City paying the full premium for the employees for the duration of this agreement.

The City will review insurance plans annually through the Health Insurance Committee to ensure premiums are kept at a minimum levels while doing all it can to maintain coverage levels in the current plan and stay within stated amounts. $500/$1,000 Annual Deductible, 80%/60% Coinsurance, $30 PCP/$50 SPC Office Visit Co-pay, $2,000/$4,000 Out-of-Pocket Expense and $10/$40/$60 Rx.

Any regular employee laid off due to lack of work and covered by hospitalization insurance shall pay 100% of the premium to the Employer to maintain coverage for a period not to exceed twelve (12) months from the day of layoff, subject to approval of the insurance carrier and applicable to Federal and State Law.

After becoming vested in IMRF, or the Police Pension Act any employee covered by the employer’s insurance plan who leaves because of a disability or retirement may continue to be covered under said plan by prepaying the total monthly premium to the Employer, subject to the approval of the insurance carrier. Employees of the Police Department agree to unilateral modification of the existing health insurance plan to meet the above referenced deductible and co-pay amount by the City of Staunton. Employees agree and acknowledge that in an effort to control health care costs, Employer may be required now or in the future to change the existing health insurance provider, and Employees consent to these changes by Employer which are necessary to control health care costs. The City retains the right and discretion to advertise for bids for or to negotiate a new policy or to self-insure. The Parties agree to reopen this contract May 1 of every second year, if deemed necessary by either party, for the sole purpose of collective bargaining on the issue of health care cost and plan selection, in order to accomplish the above set forth objectives. All employees covered by this Agreement agree to complete all required paperwork and applications in a timely manner as reasonably requested by the City to ensure the ability of the City to competitively bid the Health Insurance provided to the Employees.

**ARTICLE XXI – WAGES**

All bargaining unit employees shall receive wage rates according to the following schedule of increases:

- May 1, 2017 through April 30, 2018 – 2.5% increase over current base rate of pay.
- May 1, 2018 through April 30, 2019 – 2.5% increase over previous year.
- May 1, 2019 through April 30, 2020 – 2.5% increase over previous year.
- May 1, 2020 through April 30, 2021 – 2.5% increase over previous year.
- May 1, 2021 through April 30, 2022 – 2.5% increase over previous year.

Sergeant and Detective position receive Seventy-Five Cents ($0.75) per hour premium pay.

**Longevity.** Upon completion of five (5) years of service all full time Police Officers and Full time Dispatchers shall receive an additional two percent (2%) longevity payment to be calculated from that individual’s annual base wages. The longevity payment will change to five percent (5%) upon the completion of ten (10) years of service and will again increase to ten percent (10%) after fifteen (15) years of service. Longevity increases given to full time employees on their anniversary date. Longevity applies only to those members hired prior to May 1, 2013.

**Probationary Period.** All new employees of the Police Department shall be considered probationary employees for six (6) months from the date of their hire after which their seniority shall relate back to their last day of hire within the department. Until an employee has completed the probationary period,
he/she may be disciplined, laid off, recalled, terminated, or discharged at the employer’s discretion, without recourse to the grievance and arbitration procedure expressed herein. There shall be no seniority among probationary employees. Sick days shall not accrue to probationary employees until such time as the employee successfully completes the probationary period. At completion of the probationary period, the employee shall receive and be vested in five (5) sick days, representing the number of days that the employee would otherwise have accrued for six (6) months of employment. Six (6) months after the employee’s probationary period, the employee shall also be eligible for those other benefits such as vacation time and personal days that accrue to employees with one (1) year of employment.

Employees hired after execution of this Agreement shall receive a starting salary of eighty-five percent (85%) of the pay scale for their position for the first three (3) months of their employment. After three (3) months the employee shall receive a salary of ninety percent (90%) of the pay scale for their position and shall continue to receive salary at ninety percent (90%) of pay scale until off probationary status.

**ARTICLE XXII – TRAINING**

Employees are desirous of receiving update training and attending seminars. As such, the City agrees to make every effort to make said training available to its employees.

**ARTICLE XXIII – DRUG TESTING**

Section 1. Statement of City Policy. It is the policy of the City that the public has the reasonable right to expect police officers and dispatchers employed by the City of Staunton will be free from the effects of drugs and alcohol. The City has the right to expect employees to report for work fit and able for duty.

Section 1. Employees shall be prohibited from:

(A) Consuming or possessing alcohol at any time during the workday or anywhere on any Employer premises and job sites, including all City buildings, properties, vehicles, and the employee’s personal vehicle while engaged in City business. This provision only applies to on-duty employees.

(B) Illegally possessing, selling, purchasing or delivering any illegal drug at any time, unless otherwise required by the Employee’s job on official police business, and with the full prior knowledge and consent of the Chief of Police.

(C) Being under the influence of alcohol during the course of the workday.

(D) Being under the influence of drugs at any time except as prescribed by a physician.

(E) Failing to report to their supervisor any known adverse side effects of medication or prescription drugs which they are taking.

Section 3. Drug and Alcohol Testing Permitted, Reasonable Suspicion and Random.

(A) Reasonable Suspicion Testing. Where the Employer has reasonable suspicion to believe that an employee is under the influence of alcohol or has abused prescription drugs during the course of the workday, or has used illegal drugs at any time, the City shall have the right to require the employee to submit to alcohol or drug testing as set forth in this Article. Nothing in this Agreement shall be deemed to constitute a limitation on the City’s ability to conduct such tests as it deems appropriate for persons seeking employment with the City.

(B) Testing for Accidents/Shootings. The City shall have the right to require an employee to submit to alcohol or drug testing as set forth in this Agreement following (i) on-duty vehicle accidents involving damage to person or property; and (ii) shootings and other critical incidents.

(C) Random Testing. At a frequency chosen at the discretion of the Employer, but not to exceed monthly, all employees will submit to random testing with the employees’ names or numbers being drawn from a lottery system. Each name or number drawn will be placed back in the
lottery for the next random test occurrence. If the Union chooses, a shop steward may be present during the lottery process. The name or names drawn will be ordered to submit to drug and/or alcohol testing as set forth in this Article. For purposes of the random testing lottery, all full time police officers and dispatchers shall be treated as a group from which one name shall be drawn. All part time dispatchers and police officers shall be included in the City's separate group of part time City employees, from which a separate name shall be drawn, and the employee will be tested upon their first day scheduled back to work at the City after their name was drawn, or as soon thereafter when the employee is working as is feasible.

Section 4. Order to Submit to Testing. At the time an employee is ordered to submit to testing as authorized by this Agreement, the City shall provide the employee with a written notice of the reasonable suspicion which formed the basis of the Order, if the testing is for cause as provided for in Section 3(A) of this Article. If testing is pursuant to Sections 3(B) or 3(C) of this Article, then written notice and Order to submit to testing alone shall be sufficient.

Section 5. Tests to be Conducted. In conducting the testing authorized by this Agreement, the City shall:

(A) Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory Act that has been or is capable of being accredited by the National Institute of Drug Abuse (NIDA);
(B) Insure that the laboratory or facility selected conforms to all NIDA standards;
(C) Collect a sufficient sample of the sample of the same bodily fluid or material from the employee to allow for initial screening, a confirmatory test, and a sufficient amount to be set aside and reserved for later testing, if requested by the employee at the time of the initial sample collection;
(D) Collect the sample in such a manner as to insure a high degree of security for the sample and its freedom from adulteration;
(E) Confirm any sample that tests positive in the initial screening for drugs by testing the second portion of the same sample by gas chromatography, mass spectrometry, or an equivalent or better scientifically accurate and accepted method that provides quantitative data about the detected drug or drug metabolites;
(F) Provide the employee tested with an opportunity to have an additional test, using the third sample if requested by the employee, by a clinical laboratory or hospital facility of the employee’s own choosing, at the employee’s own expense; provided that the employee notifies the Chief of Police within forty-eight (48) hours of receiving the results of the test, and provides copies of all test results obtained from said third sample to the Chief of Police;
(G) Require that the laboratory or hospital facility report to the City that a blood, breath, or urine sample is positive only if both the initial screening and confirmatory test are positive for a particular drug. The parties agree that should any information concerning such testing or the results thereof obtained by the City inconsistent with the understandings expressed herein (e.g. billing for testing that reveal the name of the employee, nature, or number of tests administered), the City will not use such information in any manner or form adverse to the employee’s interests;
(H) Require that with regard to alcohol testing, for the purpose of determining whether the employee is under the influence of alcohol, test results showing an alcohol concentration of 0.02 or more based upon the grams of alcohol per 100 milliliters of blood or breath be considered positive. (Note: the foregoing standard shall not preclude the City from attempting to show that test results below 0.02 demonstrate that the Employee was under the influence by the City shall bear the burden of proof in such cases.)
(I) Provide each employee tested with a copy of all information and reports received by the City in connection with the testing and the results;
(J) Insure no employee is the subject of any adverse employment action except temporary reassignment or relief from duty with pay during the pendency of any testing procedure. Any such temporary reassignment or relief from duty shall be immediately discontinued in the event of a negative test result.
(K) For the purpose of determining whether an Employee is under the influence of alcohol, the Employer may use a properly certified breath testing machine.
Section 6. Right to Contest. All issues relating to the drug and alcohol testing process (e.g. whether there is reasonable suspicion for ordering an employee to take a test) may be grieved in accordance with the grievance and arbitration procedure set forth in this Agreement. The Union, and/or the employee, with or without the Union, shall have the right to file a grievance concerning testing permitted by this Article, contesting the basis for the order to submit to the tests, the right to test, the administration of the tests, or the significance and accuracy of the test. It is agreed that the parties in no way intend or have in any manner restricted, diminished or otherwise impaired any legal rights that employees may have with regard to such testing.

Section 7. Employee Duty to Disclose. Prior to submitting to the drug and alcohol testing process, the employee must disclose, in writing, to the testing facility, any prescription and/or over-the-counter medication, controlled substances, and/or any over-the-counter supplement that the employee has ingested within the past thirty (30) days, or that the employee believes may affect the results of the drug and alcohol test. Failure to fully disclose these medications or supplements shall constitute a basis for discipline under this Agreement. The employee who is receiving the test shall make himself/herself available at all reasonable times to the testing facility and/or its Medical Review Officer for any post-testing questions and follow up.

Section 8. Voluntary Requests for Assistance and Discipline. All employees who voluntarily seek assistance with drug and/or alcohol problems shall not be subject to any disciplinary or other adverse employment action by the City, provided that the employee’s request for assistance is made; prior to either an incident as set forth in Section 3(3) of this Article; or, prior to the employee’s name being randomly selected for testing in accordance with the lottery provisions of Section 3(C) of this Article. The foregoing is conditioned upon:
   (A) An employee agreeing to appropriate treatment as determined by the physician(s) involved; and
   (B) The employee permanently discontinues his/her use of illegal drugs or abuse of alcohol or prescription drugs; and
   (C) The employee completes the course of treatment prescribed, including an aftercare group, for a period of up to twelve (12) months; and
   (D) The employee agrees to submit to random testing during the hours of work at all times requested by the employer, during the period of aftercare.

Employees who do not agree to or who do not act in accordance with the foregoing or who test positive a second or subsequent time for the presence of non-reported prescription drugs or alcohol during the hours of work shall be subject to discipline, up to and including discharge.

The foregoing shall not be construed as an obligation on the part of the City to retain an employee on active status throughout the period of rehabilitation if it is appropriately determined that the Employee’s current use of alcohol or drugs prevents such individual from performing the duties of a police officer or dispatcher, or whose continuance on active duty status would constitute a direct threat to the safety or property of others.

Such employees shall be afforded the opportunity to use accumulated paid leave or take an unpaid leave of absence pending treatment. The foregoing shall not limit the City’s right to discipline employees for misconduct.

Employees who are taking prescribed or over-the-counter medication that has adverse side effects which interfere with the employee’s ability to perform his or her normal duties may be temporarily reassigned with pay for other, more suitable duties.

Section 9. Positive Test Result. “Positive Test Result” means a finding in the initial test of the presence of drugs or their metabolites in the sample tested in levels at or above the levels established by the Department of Transportation, which include the following levels for the standard five (5) panel test, although the City reserves the right to test for the presence of any and all drugs included on the standard
ten (10) panel test, as well as for: hallucinogens, inhalants, anabolic steroids, hydrocodone, and MDMA. Confirmatory drug cutoff levels shall also be as established by the Department of Transportation.

- Marijuana metabolites – 50 ng/ml
- Cocaine metabolites – 150 ng/ml
- Opiate metabolites – 2000 ng/ml
- Phencyclidine (PCP) – 25 ng/ml
- Amphetamines – 500 ng/ml
- Anabolic Steriods – any amount
- Human and/or Animal Growth Hormone – any amount

ARTICLE XXIV – TERMINATION CLAUSE

This Agreement shall become effective as of the 1st day of May, 2017 and shall remain in full force and effect through the 30th day of April, 2022 and each year thereafter unless written notice of termination or desired modification is given at least sixty (60) days prior to any yearly expiration date by either of the parties hereto.

Should notice of termination or desired modification be given in the manner above, the party desiring the same shall:

(A) Offer to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modification.

(B) Notify the Federal Mediation and Conciliation Service within thirty (30) days after such notice of existence of a dispute and simultaneously therewith notify any state agency established to mediate disputes within state, provided no agreement has been reached by that time.

It is understood that in the event negotiations extend beyond the expiration date of this Agreement, the parties hereto agree to abide by and comply with the terms of this Agreement until a new Agreement shall be executed.

(Ord. No. 1969; 12-10-18)
CHAPTER 31
RECREATION
ARTICLE I – LAKE STAUNTON

31-1-1  DEFINITIONS. When used in this Chapter, the following words and terms shall have the meanings herein prescribed:

Craft. Any boat or raft not permanently attached to the shore.

Drainage Area. The entire area of land and water that drains into the reservoir or into the East Fork of Cahokia Creek, or any tributary or other stream above said public water supply dam.

Intake. The place where the water supply for the City is taken from the reservoir.

Marginal Land. The land owned or controlled by the City adjacent to the shoreline and not flooded by the waters of the reservoir.

Reservoir. The artificial lake and water impounded therein by means of the public water supply dam constructed across the valley of the East Fork of Cahokia Creek in Macoupin County, Illinois, and by any other structure or structures heretofore or hereafter constructed within the limits of the herein defined drainage area, which are used or for use as a public water supply for the City. The reservoir is hereby named and designated Lake Staunton.

Shoreline. The extended point where the plane of the surface waters of the reservoir touches land at spillway elevation.

Watercourse. Any stream, natural or artificial channel, spring or depression of any kind in which water flows continuously or intermittently over any part of the drainage area, directly or indirectly, into any part of the reservoir.

31-1-2  BOATING REGULATIONS. Boating regulations in Lake Staunton shall be subject to the owner’s risk and to the following restrictions.

(A) Use of Gas Operated Motors. Boats with unlimited horsepower are permitted on Lake Staunton so long as they are operated in a manner to create a no-wake lake.

(B) Licensing Requirements.

(1) Boat License. All boats operating on Lake Staunton are required to have a license (sticker) which must be displayed near the State Registration number. Unless issued for a special event, such license shall expire on the next ensuing March 30 and shall be annually renewed before said craft may be lawfully propelled or used on the lake.

(2) The license (sticker) shall be obtained from the City Clerk’s office or in the event of unavailability, they may be obtained from the Staunton Police Department.

(C) License Fees.

(1) Battery Powered Trolling Motors and Rowboats. In order to provide a fund to be used to defray the expense and inspection of said crafts on the lake and to enforce the provisions of this Section, said applications for or renewal of license must be accompanied by the payment of an annual license fee of Ten Dollars ($10.00) for residents of the City of Staunton. Non-resident fees shall be Twenty Dollars ($20.00). Residents are those applicants living within the City limits.

(2) Gas Powered Motors. To help defray the cost and inspection of said crafts on the lake and to enforce the provision of this Section, said applications for or renewal of license must be accompanied by the payment of an annual license fee of Fifteen Dollars ($15.00) for residents of the City of Staunton. Non-resident fees shall be Thirty Dollars ($30.00). Residents are those applicants living within the City limits. (Ord. No. 1159)
(D) **Boats to be Registered.** All boats shall be registered according to the provisions of the Illinois Boat Registration and Safety Act. No person shall violate any of the provisions of the Illinois Department of Conservation Code *(625 ILCS Sc. 45)*, Boat Registration and Safety Act. Any person violating any of the provisions of this Section shall be punished by a fine in accordance with Chapter 31-1-2(H) Penalties. *(Ord. No. 1199; 05-13-02)*

(E) **Using Boats for Business Purposes.** The business of renting crafts for hire or carrying passengers for hire on Lake Staunton is prohibited, except as may be authorized by special concession granted by the City Council.

(F) **Boat Equipment and Condition.**

1. **Unnecessary Noise, Mufflers.** No craft shall be used or operated or any horn or sound device so as to create a nuisance or disturb the quiet or any person. All motors shall be equipped with mufflers.

2. **Lights.** The running of any craft after dark without proper lighting is prohibited, as according to law.

(G) **Enforcement.**

1. Enforcement of the provision of this entire section shall be mandatory and enforced by the proper authorities.

2. Lake Staunton is under the jurisdiction and laws set forth by the Corp of Engineers and the Department of Conservation.

(H) **Penalties.** Any person violating any of the provisions of this Section shall be punished by a fine of not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**, and each day that the condition or act in violation of this Section remains or continues, shall be deemed to be a separate and distinct offense. Any violation of the terms of the Department of Conservation Code *(625 ILCS Sec. 45)*, as the same may be from time to time amended and shall constitute an evaluation of this Section, subject to before mentioned fines. *(Ord. No. 1199; 05-13-02)*

(I) **Disposition and Uses of Revenues.** All license fees, fines and penalties shall be placed in the General Fund or such other fund as may be directed by the City Council.

31-1-3  **FISHING REGULATIONS.**

(A) **State Game and Fish Code Adopted.** No person shall take or catch or attempt to take or catch fish of any kind from the City Reservoir contrary to the provision of the Illinois State Game and Fish Code. The provisions of said Code are hereby adopted and made a part of this Section and it shall be unlawful to take or catch or attempt to take or catch fish from the reservoir of a smaller size or in greater numbers than permitted by said Code or with equipment or in a manner or method or at times and between dates prohibited by said Code. Any violation of the terms of the State Game and Fish Code, as the same may be from time to time amended, and shall constitute a violation of this Section and shall be punished hereunder.

(B) **Trout Lines, Bank Lines and Jugging Lines.** Trout lines, bank lines and juggling lines are prohibited on Lake Staunton. *(Ord. No. 1098; 01-29-97)*

(C) **Fishing During Duck and Geese Season.** Fishing from any boat or water craft is prohibited during the State Duck and Geese hunting season. The Lake will be closed to boaters during duck season except to those who have registered duck blinds and boat traffic will only be allowed for travel to and from blinds. *(Ord. No. 1098; 01-29-97)*

(D) **Authority to Suspend Fishing Privileges.** The privilege of fishing in Lake Staunton or any part thereof may be suspended by the City at any time and the posting of any authorized sign on any part of the lake shall suspend the privilege of fishing at such location.

31-1-4  **DOCKS.**

(A) Docks will be allowed to be built on Lake Staunton.

(B) Docks will be numbered and will require a permit that must be renewed annually. There will be no fee for this permit.

(C) All docks must be well maintained or the yearly permit will not be reissued.
There will be no permanent docks. All docks must be “Flotation Docks”. The use of metal barrels for a flotation dock is prohibited. If styrofoam is used, it must be covered to prevent animals or mammals from destroying. These docks will be under the same laws and regulations of the Corp of Engineers.

**31-1-5 DUCK BLINDS.** The following regulations shall apply to duck blinds.

(A) Each Duck Blind shall be numbered by the City.

(B) Permits shall be obtained to build duck blinds. There will be no fee for this permit.

(C) There shall be no portable blinds--stationary only.

(D) Duck blind owners shall sign up in the City Clerk’s office by September 1 of every year to retain his rights to his blind, or such blind will be forfeited to the lottery draw.

(E) Blinds shall be brushed and signed for or will be forfeited to a lottery draw.

(F) Blinds shall be maintained at all times of the year and used during that season or that blind shall be forfeited to the lottery draw.

(G) Blinds shall be built only in the designated numbered area provided by the City Council.

(H) The lottery shall be held on the second (2nd) Monday in September by the Staunton City Council. The recipients of the duck blind shall have two (2) weeks to register following letter notification; failure to register will result in forfeiture and a re-draw for said blind. (Ord. No. 1098; 01-29-97)

(I) The applicant need not be present for this drawing.

(J) Proper hunting license and F.O.I.D. card shall be presented prior to applications being accepted for the lottery draw.

(K) For those duck blind locations where access is controlled or limited by locked gates, the City shall make available one key to issue to each permitted blind location, which key shall be signed for and issued to the permit holder only. This key may be available for pick up from the Police Department at the beginning of each season and shall be returned to the Police Department within five (5) days of the close of duck hunting season for the applicable zone as determined by the Illinois Department of Natural Resources. No copies of this key shall be made by the permit holder or anyone acting on the permit holder's behalf. Violations of the provisions of this Section, including failure to return the key by the permit holder shall result in the revocation of the permit and disqualification of the permit holder from the following season's lottery. (Ord. No. 1653; 12-10-12)

**31-1-6 CERTAIN ACTIVITIES RESTRICTED.** These activities shall be restricted as follows:

(A) Picnicking and Camping. Picnicking and camping are prohibited on the Lake except:

(1) Upon such portions of the marginal land and at such times as may be designated by the City for such purpose or purposes.

(2) By any custodian and custodians of the marginal land, their families and guests and upon such portions of the marginal land as may have been leased to him.

(3) Any person picnicking, camping or making other use of the marginal land shall keep the premises neat and clean, pick up and remove in a sanitary manner all paper, garbage, rubbish and debris and before leaving the premises, put out any fire made by him.

(B) Swimming and Bathing. Swimming and bathing are prohibited in the reservoir except at such points as may hereafter be designated by the Council. If areas are designated for swimming, such swimming shall be done at the risk of the swimmer.

(C) The use of jet-skis and recreational vehicles are prohibited on Lake Staunton.
(D) **Use of Firearms.** No person shall fire or discharge any firearm or any description on the lake or within the limits of the marginal land except as permitted by Section 31-1-7 of this Chapter. However, the City may authorize any person to use firearms, traps or other means to destroy any predatory or otherwise undesirable bird or aquatic animal life. *(Ord. No. 1098; 01-29-97)*

(E) **Fires.** No fires shall be lighted or used on the marginal land except at such places as may be designated by the City for such purposes and except by any custodian on the marginal land leased by him.

(G) **Glass Containers.** It shall be unlawful to bring or possess glass beverage containers on lake property.

### 31-1-7 PROHIBITED ACTS AND CONDITIONS.

(A) **Generally.** All ordinances of the City relating to misdemeanors and nuisances within the corporate limits are hereby declared to apply to Lake Staunton and the marginal land and premises adjacent thereto, and to the water pumping and filtration plant and adjacent grounds which are owned by the City.

(B) **Injury to Property.** No person shall willfully, maliciously or negligently cut, break, climb on, carry away, conceal or deface any tree, shrub, plant, turf or grass or take down, alter, mar, tame, injure or destroy any sign, trailer marker, placard, notice, post, barrier, pile or buoy posted or placed or growing by the City or authorized to be posted or placed by the City on the lake and marginal land.

(C) **Opening Hydrants.** No person shall open any fire hydrant of the City except a duly authorized fireman or agent of the City.

(D) **Prohibited Grounds.** No person shall go upon any portion of the lake or marginal land where, by a sign or notice posted or authorized to be posted by the City, persons are prohibited from going.

(E) **Pollution of Waters.** No person shall, in any part of the drainage area, place, throw, discharge or cause to be discharged any sewage, garbage, decayed or other matter into and so as to directly or indirectly pollute or tend to pollute the reservoir or other waters from which the City obtains a water supply.

(F) **Animals.** No person shall cause or permit any domestic livestock or poultry to run at large on the marginal land. Any livestock or poultry found at large thereon may be taken by the City and sold to pay the expense of taking, keeping, advertising and selling such livestock or poultry.

(G) **Hunting, Trapping, Removing Eggs From Nests.** No person shall trap, catch, kill or wound or attempt to trap, catch, kill or wound any bird or animal, take any bird egg or molest or rob any nest of any bird or animal on the lake or marginal land. This subsection shall not be construed to prohibit the hunting of ducks, geese or other game birds allowed by State or Federal Laws.

(H) **Intoxicated Persons.** No intoxicated person shall enter or remain in or around the lake or public grounds or marginal land.

### 31-1-8 LAKE POLICE OFFICERS.

It shall be the duty of police officers of the City and such special police as may be designated or appointed to enforce the provisions of this Chapter. The Mayor and City Council may appoint such special police as may be deemed necessary for the purposes of this Chapter, who shall qualify by taking oath and giving bond in the same manner as regular police officers.

### 31-1-9 FISH LIMITS FOR LAKE.

The following regulations shall apply to persons fishing in the Staunton Lake.

(A) **Large Mouth Bass.** Fifteen (15) inches in length. Limit of three (3) per day. However, special events, tournaments and fishing clubs may boat and place in temporary live wells Large Mouth Bass greater than twelve (12) inches but less than fifteen (15) inches in size for the purpose of tournament “weigh ins” provided said fish are immediately thereafter released back into the
City Reservoir on a strict catch and release basis. No fish less than **fifteen (15) inches** in size shall be removed from the City Reservoir. *(Ord. No. 1697; 09-23-13)*

(B) **Channel Catfish.** No length. Limit of **six (6)** per day.

(C) **Pole and Line Fishing Only.** Limit of **two (2) poles** with no more than **two** hooks per line.

(D) No Trot Lines -- Bank Lines -- or Jugs - governed by Department of Conservation.
ARTICLE II - RENTAL FEES

31-2-1  PARK RENTALS. The following provisions shall govern rentals of City Parks.

(A)  Park Rental Procedures. City residents and non-residents, age twenty-one (21) years and older, may reserve a pavilion facility at the City Parks located at: 900 E. Montgomery; 901 E. Montgomery; 102 W. Sixth; and 205 N. Union by contacting City Hall to reserve the date and facility. Reservations will be honored on a first-come, first-serve basis. The reservation applies only to the use of a pavilion and the restrooms servicing that pavilion. The playground and adjacent parks, if any, shall remain open for public use during the date and hours of the reservation. Reservations may apply between the hours of 8:00 a.m. and 11:59 p.m. (Ord. No. 1692; 08-26-13)

The hours of operation for City Parks and property shall be from sunrise to sunset, as those terms are defined by reference to generally accepted sources. However, officially sanctioned use of the City Parks by the corporate authorities, such as for organized sporting activities, special events, and pre-approved Park Rentals, are exempt from the requirements of this Section. Anyone found in the City Parks after hours and not otherwise subject to one of the exceptions contained herein, shall be guilty of Trespassing as set forth in Section 27-6-1, and shall be subject to appropriate fines for Ordinance Violations as authorized by State Law and City Code. Notwithstanding the above, the hours of operation for the Ball Fields, Soccer Fields and Skate Park shall be from sunrise to 10:00 p.m. (Ord. No. 1748; 08-25-14)

(B)  Rental Fee, Deposit, and Indemnity Agreement. A deposit in the amount of Two Hundred Dollars ($200.00) for City residents, and Two Hundred Fifty Dollars ($250.00) for Non-City residents, shall be collected by City Hall at the time the application for rental of Duda Garden is received. For all other parks, a deposit in the amount of One Hundred Dollars ($100.00) for City Residents, and One Hundred Twenty-Five Dollars ($125.00) for Non-City Residents shall be collected by City Hall at the time the application for the rental is received. For all Parks, Tax Exempt Non Profit Organizations demonstrating 501(c) status may reserve the Parks at reasonable times and dates for no charge, subject to final approval and Park designation by the City. Upon inspection by City at the conclusion of the rental event, up to Fifty Dollars ($50.00) may be returned to Renters, if the reserved area restrooms, and immediate premises are free from trash and debris by 10:00 a.m. the following day. Renters shall forfeit their deposit in the event of damage, or in the event that the facilities and premises are not returned to their pre-rental condition at time of inspection. Renter shall be held responsible for any and all damages caused to municipal property during the hours of use as indicated on the reservation form corresponding to the rented facility, and shall further pay any and all costs and expenses, including specifically, but not limited to attorney's fees, incurred by City in connection with Renter's use of the subject facility and City's recovery of damages to, costs incurred to repair the subject property. Renter further agrees to defend, indemnify and hold harmless City, City's Officials, employees, and agents, from and against all costs, claims, demands or damages related to Renter's use of the subject premises, and shall reimburse City for all costs and expenses incurred by City, including specifically, but not limited to legal costs and expenses, arising out of Renter's use of the premises. No glass containers are allowed in City Parks. All trash cans must be emptied into the dumpster at the conclusion of the reservation. Failure to abide by these policies may result in total forfeiture of rental deposit.

(C)  Execution of Reservation Form and Use of Premises. The City has prepared an approved Park Rental Form which is attached hereto as Exhibit A, which form may be amended from time to time by action of the City. By executing and submitting the City's Park & Pavilion Reservation Form, the renter acknowledges understanding of the provisions of Section 31-2-1, and agrees to be bound by all provisions thereof. It is further agreed by City and Renter that the provisions of Section 31-2-1 are adopted and incorporated by reference in total into the Park Rental Reservation form executed by Renter, and that by submission of the Rental Form for consideration by City, and/or the use of the municipal facilities, renter accepts all terms and conditions thereof. (Ord. No. 1692; 08-26-13)
31-2-2 RENTAL OF BAND SHELL AND BASEMENTS AT CITY HALL COMPLEX.
Residents and non-residents, age twenty-one (21) years or older, may reserve the Band Shell or Basements at the City Hall Complex located at 304 W. Main by contacting the City Clerk’s office to reserve the date and facility. Reservations will be honored on a first-come, first-serve basis. Reservations may apply between the hours of 8:00 A.M. and 12:00 P.M.

(A) Rental Fee and Deposit. A deposit in the amount of Seventy-Five Dollars ($75.00) shall be collected by the City Clerk upon receipt of the reservation form. Upon inspection, by a designee of the City, Fifty Dollars ($50.00) may be returned to resident renter and Twenty-Five Dollars ($25.00) may be returned to a non-resident renter, if the reserved area and restrooms are free of trash and debris by 10:00 A.M. the following day. The renter shall forfeit the Fifty Dollar ($50.00) deposit if the renter does not restore the area to the same condition as prior to use. Renter may also be held responsible for any and all damages caused to the facilities and restrooms during the hours of use as indicated on the reservation form. No glass containers are allowed in City parks. (Ord. No. 1283; 07-11-05)

31-2-3 LIQUOR REGULATIONS: BALLOON GLOW FESTIVAL.

(A) Prohibited Activity. It shall be unlawful and a violation of the City Revised Code of Ordinances for any individual to be in possession of a cooler anywhere in the Fireman’s Park, or alcoholic beverages at the Balloon Glow Festival outside of the delineated fenced-in area within which alcoholic beverages purchased on site shall be permitted.

(B) Effective Date/ Penalty. This Section shall be in effect upon its passage, approval and publication as provided by law. Violation of this Section shall be subject to punishment as provided by City Code for violation of City Ordinances or State law, and shall subject violators to fines from a minimum of One Hundred Dollars ($100.00) to a maximum of Seven Hundred Fifty Dollars ($750.00) per violation. (Ord. No. 1902; 08-14-17)
ARTICLE III - PLAYGROUND AND RECREATION BOARD

31-3-1  BOARD CREATED, APPOINTMENTS, TERMS AND VACANCIES.  There is hereby established a Playground and Recreation Board of the City, composed of five (5) members to be appointed by the Mayor by and with the consent of the City Council. Of the members first appointed, one shall be for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Subsequent appointments shall be made for five (5) year terms. Members shall serve until their successors are appointed and qualified. In case of vacancy, the Mayor shall appoint a successor to serve.

31-3-2  ORGANIZATION.
   (A) Quorum.  A majority of the members of the Board shall constitute for the transaction of business.
   (B) Officers, Conduct of Business. The Board shall elect necessary officers and adopt such rules, bylaws and regulations as it may deem proper for the conduct of its work.

31-3-3  POWERS. The Playground and Recreation Board shall have power to maintain and equip playground and recreation centers and the buildings thereon within or beyond the corporate limits of the City, and may, for the purpose of carrying out the purposes for which this Chapter is adopted, employ play leaders, playground directors, supervisors, a recreation superintendent or other such officers or employees as it deems proper. Such Board shall have and may exercise all powers conferred by State statutes providing for the acquisition, equipment, conduct and maintenance of public playgrounds. In the exercise of the powers conferred by such statutes and this Chapter, the Board may cooperate or join with school, park or other governmental authorities and bodies and shall have the power to use lands, buildings and equipment made available to it by other governmental bodies and authorities.

31-3-4  REPORT OF DIRECTORS.  Within fifteen (15) days after the expiration of the fiscal year of the City, the Playground and Recreation Board shall make a report as of the last day of said fiscal year to the City Council. This report shall be in writing and shall be verified under oath by the secretary or some other responsible officer of the Board. It shall contain:
   (A) An itemized statement of the various sums of money received from the playground and recreation tax and from other sources;
   (B) An itemized statement of the objects and purposes for which such sums of money have expended;
   (C) A statement of the real and personal property acquired by devise, bequest, purchase or otherwise;
   (D) A statement of the character of any extensions of playgrounds and recreation service that have been undertaken;
   (E) A statement of the financial requirements of the Playground and Recreation Board for the ensuing fiscal year, and of the rate of tax which, in the judgment of the Playground and Recreation Board, it will be necessary to levy for recreation and playground purposes; and
   (F) Any other information and recommendation that may be of interest.

31-3-5  REVENUE.
   (A) Gifts and Donations.
      (1) Authority to Accept. The Playground and Recreation Board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation, the principal or income of which is to be applied for either temporary or permanent use for
playground or recreation purposes; but if the acceptance thereof for such purposes shall subject the City to expense for improvements, maintenance or renewal, the acceptance of any grant or devise of real estate shall be subject to the approval of the City Council.

(2) **Disposition.** Money received for such purposes, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the Playground and Recreation Board and such money shall be deposited in a fund known as the Playground and Recreation Board Fund.

(B) **Playground and Recreation Tax.** The City Council shall annually levy and collect a tax equal to the percentage of the full, fair, cash value, as equalized or assessed by the Department of Revenue, of all taxable property within the corporate limits of the City as provided by State statutes. Such tax shall be designated as the playground and recreation tax and shall be levied and collected in like manner as the general tax for the City is collected. Such tax shall be in addition to the maximum of taxes permitted to the City and exclusive of all other taxes the City may levy or collect, and shall not be scaled down.

(C) **Expenditures.** The cost and expense incurred by the Playground and Recreation Board shall be paid out of the taxes so collected, or out of money received as or realized from gifts received for this purpose, and the same shall be expended under the direction of the Board and shall be paid out upon the warrants drawn on the Municipal treasury upon order of such Board.

*(Ord. No. 1172; 09-25-00)*
ARTICLE IV - MCT BIKE TRAIL POLICY

31-4-1 APPLICATION CO-SPONSORSHIP. The City agrees to consider applications from individuals or organizations deemed to be residents of the City, with residency determination in the City's sole discretion, and if approved co-sponsor events and requests to MCT to utilize the MCT Facilities/Trails for charitable events. The City reserves the right to reject any and all applications for co-sponsorship of events to be held at the MCT Facilities/Trails regardless of residency of the application, with final decision to co-sponsor in the sole discretion of the City.

31-4-2 REQUIREMENTS. Applicants for co-sponsorship by the City of charitable events occurring on the MCT facilities in the City agree to be held responsible for any and all damages caused to the City or MCT property during the hours of use as indicated on the application to MCT related to the requested event, and shall further pay any and all costs and expenses, including specifically, but not limited to attorney's fees, incurred by City in connection with applicant’s use of the MCT Facilities/Trails for said event. Applicants further agree to defend, indemnify and hold harmless City, City’s Officials, employees, and agents, from and against all costs, claims, demands or damages related to Applicant’s use of City or MCT Facilities/Trails, and shall reimburse City for all costs and expenses incurred by City, including specifically, but not limited to legal costs and expenses, arising out of Applicant’s use of MCT Facilities/Trails for the co-sponsored event.

31-4-3 APPLICATION TO MCT, REQUEST TO CITY FOR CO-SPONSORSHIP OF CHARITABLE EVENT AND USE OF MCT FACILITIES/TRAILS. MCT has prepared an approved Application for Use Form which is attached hereto, which form may be amended from time to time by action of MCT. By requesting of City co-sponsorship of any event held by applicant on the MCT Facilities/Trails, applicant acknowledges understanding of the provisions of this Article, and agrees to be bound by all provisions thereof. It is further agreed by City and Applicant that the provisions of this Article are adopted and incorporated by reference in total into the Application for Use of the MCT Facilities/MCT Trails Madison County Transit District form executed by applicant, and that by submission of a request to the City for co-sponsorship of any event, applicant accepts all terms and conditions thereof.

(Ord. No. 1818; 11-09-15)
Application for Use of MCT Facilities/MCT Trails
Madison County Transit District

Requesting Organization: ____________________________________________
Address: _________________________________________________________
Phone: (____) - ____________________

Contact Person: ____________________________________________________
Daytime Phone: (____) - ____________________
Emergency Contact During Event: (____) - ____________________

Date(s) (including set-up and tear-down): ______________________________
Hours of the event (including set-up and tear-down): ______________________
Title of Event: _____________________________________________________
Facility/Trail/Trail Segment to be used: _________________________________

Brief Description of event:

- If use of the facility is approved by MCT, a Certificate of Liability Insurance naming Madison County Mass Transit District as an additional insured for $1 million must be submitted 10 days prior to the event.
- All groups hosting events on District property are required to adhere to the MCT Facilities Usage Guidelines listed on page 2 of this application.

This application and all applicable documentation must be submitted to:
Madison County Transit District, P.O. Box 7500, One Transit Way, Granite City, IL 62040
MCT Facilities Usage Guidelines

- No open flames or charcoal pits under canopies, inside building or on trails.
- No portable propane use items inside building.
- All temporary items placed on trails must be picked up immediately after the event.
- No parking of or driving of vehicles on MCT Trails.
- Facility/property must be in same condition as when access was received.
- Any damages to property/facilities will be the responsibility of the sponsoring party.
- All users of the facility/property must provide a Certificate of Liability Insurance, with Madison County Transit District as an additional insured, at least 10 days prior to the event.
- No motorized vehicles on the MCT Trails at any time.
- No horses or horseback riding allowed.
- No hunting allowed.
- No alcoholic beverages, illegal drugs, fireworks of any kind or firearms allowed.
- No dumping of any kind, including grass clippings, branches, yard waste or other trash.
- No unauthorized marking on the trails.
- One lane of the trail must be open at all times. The flow of trail traffic must not be impeded.
- Pets must be leashed, and waste disposed of properly.
CITY OF STAUNTON

PARK & PAVILION RESERVATION FORM

Pavilion rental is available to City Residents and Non-Residents, 21 years or older.

Current Date ____________________________ Time ____________________________

NAME ________________________________________________________________

ADDRESS __________________________________________________________________

DAYTIME PHONE __________________________ DATE OF BIRTH __________________

RESERVATION DATE(S) __________________________________________________________________

HOURS OF USE: FROM __________________ TO __________________

DESIGNATE PAVILION

______ Fireman’s Park - 900 E Montgomery
______ Jr. Service Pavilion - 901 E Montgomery
______ Duda Garden - 205 N Union
______ South Water Tower Park – 102 W Sixth

This reservation form applies only to the use of a Pavilion and the restrooms servicing that Pavilion. The playground and adjacent parks shall remain open for public use during the date and hours of this reservation. Reservations can be made between the hours of 8:00 a.m. and 4:30 p.m. at City Hall. The park/pavilion rental is valid between the hours of 8:00 a.m. and 11:59 p.m. Deposit must be paid at time of application in order to reserve dates.

The City, upon receipt of this reservation form, shall collect a rental deposit of $200.00 for City Residents, and $250.00 for Non-City Residents for the rental of Duda Garden.

The City, upon receipt of this reservation form, shall collect a rental deposit in the amount of $100.00/Resident and $125.00/Non-Resident for all other parks. At the conclusion of the rental, upon inspection by a designee of the City, up to $50.00 may be returned to a Renter if the reserved pavilion, restrooms and the area 100 feet around the reserved pavilion and restrooms are free of trash and debris at time of inspection. Deposit fees shall be forfeited if the facility is not restored to its pre-rental condition. Renter shall be held responsible for any and all damages caused to municipal property during the hours of use as indicated on the reservation form, and shall pay any and all costs and expenses, including specifically attorney's fees, incurred by City in connection with recovery of damages to the rented property. Renter further agrees to indemnify and hold harmless City and City’s Officials, employees and agents, from any and all claims, demands, or damages.
arising out of Renter’s use of the subject premises, and shall reimburse City for any costs and expenses, including specifically legal expenses, incurred by City in connection with same.
No glass containers are allowed in City Parks. All trash cans must be emptied into the dumpster after use.

The pavilion/restroom keys may be obtained at City Hall during regular business hours on the day prior to the reservation date.

In case of problems, contact City Hall office at 635-2233 during regular business hours of Mon - Fri 8:00 a.m. - 4:30 p.m. Contact the Police Department at 635-3333 all other times.

In case of rain out total deposit will be returned. 45 day notice is required to cancel and receive full deposit back. If cancelled less than 45 days prior to reservation only $85.00/Resident and $110.00/Non-Resident will be refunded.

There is no charge for picture taking at the parks, but unless the rental deposit is paid, other renters may be using the location.

By signing below, I attest that I have read, understand, and agree to abide with and be bound by the above terms governing the use of the City-owned property.

Signed ___________________________ Date ___________________________

Office Manager’s Use

Resident:
Deposit Paid ________________ Check # __________ Cash ____________
Amount Refunded $ ______________

Non-Resident:
Deposit Paid ________________ Check # __________ Cash ____________
Amount Refunded $ ______________

Refund Received: ___________________________ Date ___________________________

THE SALE OF ALCOHOL IS NOT PERMITTED

PERMIT TO ALLOW DELIVERY/SERVICE OF ALCOHOL ON CITY OWNED PROPERTY

______________________________, has requested permission to serve alcohol at ___________________________. This permit is effective for the date of ___________________________ and shall end at 12:00 midnight on such date.

(Date)
This permit is issued for the following event ____________________________________.
CHAPTER 33

STREET REGULATIONS

ARTICLE I - DEPARTMENT ESTABLISHED

33-1-1 DEPARTMENT ESTABLISHED. There is hereby established a Department of the municipal government which shall be known as the Street Department. It shall embrace the Street Committee, the Superintendent, and the employees. The City Engineer shall serve as ex-officio officer.

33-1-2 COMMITTEE ON STREETS. The City Council Standing Committee on Streets shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs and conditions thereof and shall, from time to time, report the same to the Mayor and City Council.

33-1-3 SUPERINTENDENT OF STREETS.

(A) Office Created. There is hereby created the office of Superintendent of Streets, an executive office of the City. The Superintendent of Streets shall be the head of the Department of Streets, and all officers and employees therein shall perform their duties subject to his supervision. The Superintendent of Streets shall be subject to the direction of the Council and the Committee on Streets, Alleys and Sewers.

(B) Appointment. The Superintendent of Streets shall be appointed by the Mayor by and with the advice and approval of the City Council.

(C) Vacancy in Office. In case of a vacancy in the office of Superintendent of Streets, the Mayor may appoint a Working Foreman of Streets who shall perform all the duties herein designated to be performed by the Superintendent of Streets. Upon the appointment of a Superintendent, the position of Working Foreman shall thereby be automatically vacated.

33-1-4 DUTIES OF SUPERINTENDENT.

(A) Supervisory Duties. The Superintendent of Streets shall be the head of the Department of Streets, and all officers therein shall perform their duties subject to his supervision.

(B) General Duties. The Superintendent of Streets shall be charged with the care and cleaning of all public streets, sidewalks, alleys and other public places in the City and with the enforcement of the ordinances relating thereto, excepting traffic ordinances. He shall have charge of all repairs to and construction of streets and sidewalks in the absence of provisions to the contrary.
He shall also be charged with the repair, construction, care and cleaning of all public sewers and drains and enforcement of the ordinances relating thereto.

The Superintendent shall be an actual worker of the Street Department, performing actual labor in addition to his supervisory duties.

(C) **Custodian of City Property.** The Superintendent of Street shall be the custodian of all physical property of the City which is not given to the care of some other officer.

(D) **Records Kept.** The Superintendent of Streets shall keep an adequate record of all property, tools, equipment, etc., belonging to the City and in his custody, and he shall keep adequate records showing all of the activities of his Department.

(E) **Reports.** The Superintendent of Streets shall make such reports to the City Council as may be required by it from time to time or as may be required by statute.

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33-1-5 **CITY DATUM OR BENCH MARK.** The datum or bench mark of the City is hereby established as the top of the marker of the United States Geological Survey located in the southeast corner of the public square in the original plat of the Town, now City, of Staunton. The elevation of this datum line or bench mark is hereby declared to be *six hundred twenty-two (622) feet* above sea level. All levels and grades for the City shall be based upon the aforesaid datum point.
ARTICLE II - GENERAL REGULATIONS

33-2-1 UNDERMINING. No person shall undermine in any manner, any street or any other ground or real estate situated in the City or belonging to any private person.

33-2-2 OPEN DOORS. No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the City for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-2-3 REPAIRING SIDEWALKS, ETC. Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Street Superintendent to immediately report such fact to the Mayor or Street and Alley Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

33-2-4 STAIRWAY - RAILING. Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5 CLOSING STREET. Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6 SIGNS ACROSS STREET. No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the City, unless he has written approval of the City Council. (See 65 ILCS Sec. 5/11-80-17)
33-2-7  **VEHICLES AND SKATEBOARDS ON SIDEWALKS.** No person shall operate any skateboard, bicycle, or motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot. Bicycles are prohibited on Main Street sidewalks in the area from Easton Street on the east end to Hibbard Street on the west end.  *(Ord. No. 1149; 07-12-99)*

33-2-8  **DEPOSITS ON SIDEWALKS.** It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **four feet (4’)**; and provided that no such article shall remain on such walk for more than **thirty (30) minutes.**

33-2-9  **OBSTRUCTING STREET.**

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, such as glass which may cause injury to any person, animal or property.

(B) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the City, any debris, materials, or obstruction, except as may be permitted by this Code.

(C) It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once. *(See 65 ILCS Sec. 5/11-80-3)*

33-2-10  **RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the City Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless he shall have found that the City Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the City.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the City and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.
33-2-11 **BUILDING MATERIALS IN STREET.** The Street Superintendent may move any obstruction on any street or sidewalk of the City, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than one-half (1/2) of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material.  *(See 65 ILCS Sec. 5/11-80-3)*

33-2-12 **MERCHANDISE ON PUBLIC STREET.** It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the City Council. *(See 65 ILCS Sec. 5/11-80-3)*

33-2-13 **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-14 **POSTING BILLS.** It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, political signs, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

33-2-15 **SIGNS ON POLES.** No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign, political signs or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

33-2-16 **INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.
33-2-17 **BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designated to cause injury to persons, or any wire charged with electrical current, anywhere within **three feet (3')** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **six feet (6')** above the level of such public place.

33-2-18 **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the City. Tree limbs shall not be thrown and left in ditches, causing a blockage of ditches and culverts. *(Ord. No. 1149; 07-12-99)*

33-2-19 **MOUNTED ROUTE MAILBOX PLACEMENT.** Mailboxes shall be placed with the front of the mailbox flush with the curbline at a height of **forty-two (42) inches** to **forty-eight (48) inches** from the bottom of the mailbox to the ground. *(Ord. No. 1135; 12-14-98)*

33-2-20 **MUD, DIRT AND DEBRIS IN STREET DURING CONSTRUCTION.** As construction or remodeling work progresses on a property located within the City, all streets and sidewalks shall be thoroughly cleaned of all mud, dirt, excess earth, rock, and other debris resulting from such work, or from the conditions of the jobsite. All clean-up operations at the location of such construction activities shall be accomplished at the expense of the individual or business holding the building permit for such activities, and shall be completed to the satisfaction of the Street Superintendent. From time to time as may be ordered by the Street Superintendent and in any event, immediately after completion of the work, the permittee shall, at his or its own expense, clean up and remove all mud, dirt, excess earth, rock, and other debris resulting from such work, from all affected streets and sidewalks. Failure to do so within **twenty-four (24) hours** after having been notified to do so by the Street Superintendent shall result in punishment by City issued Ordinance violation, with a minimum fine of no less than **One Hundred Dollars ($100.00)** and a maximum fine of no more than **Seven Hundred Fifty Dollars ($750.00)**. Failure to clean the affected area as required by the Street Superintendent may also result in the work being done by the Superintendent or his agents, with the cost thereof charged to the permittee. This requirement is hereby made a part of every building permit issued by the City. *(Ord. No. 1261; 09-27-04)*
ARTICLE III - TREES AND SHRUBS

33-3-1 PLANTING. It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the City Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the City Council.

33-3-2 PLANTING TREES IN RIGHT-OF-WAY. It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

33-3-3 REMOVAL. It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the City Council before permission shall be granted.

33-3-4 INJURY. It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-5 ADVERTISEMENTS OR NOTICES. It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

33-3-6 DANGEROUS TREES. Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than ten (10) feet or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Street Superintendent may, at the owner’s expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.
33-3-7  **WIRES.** It shall be unlawful to attach any wires or rope to any
tree or shrub in any public street, parkway or other public place without the permission
of the City Council.

Any person or company given the right to maintain the poles and wires in the
streets, alleys, or other public places in the municipality shall, in the absence of
provision in the franchise concerning the subject, keep such wires and poles free from
and away from any trees or shrubs in such places so far as may be possible and shall
keep all such trees and shrubs properly trimmed, subject to the supervision of the
Street Superintendent so that no injury shall be done either to the poles or wires or the
shrubs and trees by their conduct. All wires that cross any public street right-of-way
shall be located at least **fourteen (14) feet** above the street surface.

33-3-8  **GAS PIPES.** Any person or company maintaining any gas pipe in
the municipality shall, in the absence of provision in the franchise concerning the
subject, keep such pipes free from leaks so that no injury shall be done to any trees or
shrubs.
ARTICLE IV - EXCAVATIONS

33-4-1 PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the City without having obtained a permit as is herein required or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit.

No such permit shall be issued unless and until the applicant has filed with the Clerk a bond in the sum of Fifty Thousand Dollars ($50,000.00) conditioned to indemnify the City for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have a surety a corporation licensed to do business in the State as a surety company. The City Council may waive the bond provided for herein. (Ord. No. 1106; 07-14-97)

33-4-2 APPLICATIONS. Applications for such permits shall be made to the Clerk and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual excavating work; and the name of the person, firm or corporation for whom or for which the work is being done, and it shall also contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

33-4-3 PERMIT FEES. The fees for permits shall be One Hundred Fifty Dollars ($150.00) for excavation for water, One Hundred Fifty Dollars ($150.00) for excavation for sewers or Three Hundred Dollars ($300.00) for a combination of water and sewer. (Ord. No. 1255; 09-13-04)

33-4-4 DEPOSIT BY CONTRACTOR. Excavation to be completed, requiring or involving the demolition of any City owned sidewalk, shall require the issuance of an excavation permit pursuant to this Article, and shall further require the issuance of a Cashier's Check or Money Order in the amount of Two Hundred Fifty Dollars ($250.00) payable to the City, to be retained by the City pending completion of the excavation and proper restoration and replacement of the sidewalk, to be inspected and determined by the City. Upon proper replacement and inspection such Cashier Check or Money Order shall be returned to the issuer. Upon improper replacement, no replacement, or should the replacement otherwise not be completed in its entirety within one hundred twenty (120) days of the issuance of the permit by the City, the City shall replace or contract to replace such City sidewalk as removed and shall look to the deposit held by the City as payment. Expenses incurred above and beyond the deposit amount shall be sought from the property owner whose residence is serviced by the sewer/water line being replaced. (Ord. No. 1306; 10-10-05)

33-4-5 DEPOSIT. No such permit shall be issued unless and until the applicant therefor has deposited with the Clerk a cash deposit in the sum of Two Hundred Fifty Dollars ($250.00) if no pavement is involved, and One Thousand Dollars ($1,000.00) if the excavation is a paved area, to insure the proper restoration of the ground and laying of the pavement, if any. From this deposit shall be deducted the expense of the City of relaying the surface of the ground or pavement and of making the refill if this is done by the City or at its expense and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. The City Council may waive the deposit in this Section.
33-4-6 **MANNER OF EXCAVATING.** It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels; and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the City department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree, shrub or the roots thereof.

33-4-7 **SIDEWALKS.** If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users. The temporary sidewalk is subject to inspection by the Street Superintendent and shall not be open for use until approved by him.

33-4-8 **RESTORING SURFACE.** Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the City shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant in compliance with the regulations of the City and under the supervision of the Street Superintendent.

33-4-9 **SUPERVISION.** The Streets and Alley Committee shall, from time to time, inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley or other place in the City to see to the enforcement of the provisions of this Code. Notice shall be given to him at least ten (10) hours before the work of refilling any such tunnel or excavation commences.

33-4-10 **TUNNELING.** It shall be unlawful to make any excavation in any portion of a street or sidewalk in the City which is paved with a concrete or asphalt paving. Where necessary, and where a proper permit has been secured, tunnels may be driven or excavated under any such pavement, provided that upon completion of the work involved, the tunnel shall be backfilled with compacted sand.
33-4-11 PROTECTIVE MEASURES AND ROUTING OF TRAFFIC. It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public.

(A) Barriers, warning signs, and lights shall conform to the requirements of all applicable provisions of this Code. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day.

(B) Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace light sources.

(C) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. When traffic conditions permit, the Street Superintendent may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. Such written approval may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

(D) Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Street Superintendent.

33-4-12 CLEARANCE FOR VITAL STRUCTURES. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and all other vital equipment as designated by the Street Superintendent.

33-4-13 PROTECTION OF TRAFFIC. The permittee shall maintain safe crossings for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossing for pedestrians at intervals of not more than three hundred (300) feet. If any excavation is made across any public street, alley or sidewalk adequate crossing shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half (1/2) of the sidewalk width shall be maintained along such sidewalk line.
33-4-14  **RELOCATION AND PROTECTION OF UTILITIES.** The permittee shall not interfere with any existing facility without the written consent of the Street Superintendent and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. The facility owned by the City shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately-owned facilities shall be similarly borne by the permittee unless other arrangements are made with the person owning the facility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility.

In case of any said pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose, pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this Section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The City shall not be made a party to any action because of this Section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

33-4-15  **ABANDONMENT OF SUBSTRUCTURES.** Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, the person owning, using, controlling, or having an interest therein shall, within thirty (30) days after such abandonment, file with the Street Superintendent a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way or subsequently becomes in the way of an installation of the City or any other public body, which installation is pursuant to a governmental function, the owner shall remove such abandoned substructure or pay the cost of its removal during the course of excavation for construction of the facility by the City or any other public body.

33-4-16  **PROTECTION OF ADJOINING PROPERTY.** The permittee shall, at all times, and at his or its own expense, preserve and protect from injury, any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain consent from the owner of such private property for such purpose and if he cannot obtain such consent, the Street Superintendent may authorize him to enter the private premises solely for the purpose of making the property safe.
At the permittee’s own expense, all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work shall be shored up and protected, and the permittee shall be responsible for all damage to public or private property or highways resulting from failure to properly protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily any trees or shrubs which exist in parking street areas without first obtaining the consent of the appropriate City department or official having supervision of such property.

33-4-17 Placement of Excavated Material. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as to eliminate danger to those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Street Superintendent shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee’s responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Street Superintendent, whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Street Superintendent to prevent the spreading of dirt into traffic lanes.

33-4-18 Clean-up. As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Street Superintendent. From time to time as may be ordered by the Street Superintendent and in any event, immediately after completion of the work, the permittee shall, at his or its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Street Superintendent, said work may be done by the Superintendent and the cost thereof charged to the permittee and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.
33-4-19 **PROTECTION OF WATERCOURSES.** The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings, or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

33-4-20 **BREAKING THROUGH PAVEMENT.**

(A) Heavy duty pavement breakers may be prohibited by the Street Superintendent when the use endangers existing substructures or other property.

(B) Saw cutting of Portland cement concrete may be required when the nature of the work or the condition of the street warrants. When required, the depth of the cut shall not be less than one (1) inch in depth; however, depths greater than one (1) inch may be required by the Street Superintendent when circumstances warrant. Saw cutting may be required by the Superintendent outside the limits of the excavation over cave-outs, overbreaks and small floating sections.

(C) Approved cutting of bituminous pavement surface ahead of excavations may be required by the Street Superintendent to confine pavement damage to the limits of the trench.

(D) Sections of sidewalks shall be removed to the nearest score line or joint.

(E) Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

(F) Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

(G) Cutouts outside of the trench lines must be normal or parallel to the trench line.

(H) Boring or other methods to prevent cutting of new pavement may be required by the Street Superintendent.

(I) The permittee shall not be required to repair pavement damage existing prior to excavation unless his cut results in small floating sections that may be unstable, in which case, the permittee shall remove and pave the area.

33-4-21 **DEPTH OF STRUCTURES.** No person shall, without written permission of the Street Superintendent, install any substructure except manholes, vaults, valve casings, culverts, and catch basins at a vertical distance less than:

(A) Streets. Twenty-four (24) inches below the established flow line of the nearest gutter. If said flow line is not established, then the depth shall be at a minimum of twenty-four (24) inches below the surface of the nearest outermost edge of the traveled portion of the street.
(B) **Parkway.**

(1) The minimum depth of any substructure shall be *sixteen (16) inches* below established gutter grade when said substructure parallels the parkway.

(2) The minimum depth of any substructure shall be *twelve (12) inches* below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.

(C) **Other Public Places.** The minimum depth of any substructure in any other public place shall be *twelve (12) inches* below the surface.

Nothing in this Section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface unless the grade in said substructure interferes with the maintenance of or travel on a public street.

33-4-22 **BACKFILLING AND RESTORATION REQUIREMENTS.** The requirements for passing inspections are as follows:

(A) For a permanent street excavation, the same shall be backfilled with sand up to within *eight (8) inches* of the top, the remainder of the excavation to be filled with gravel, except at the surface where blacktop, concrete or brick shall be replaced as may be appropriate.

(B) Excavation in other streets, alleys or public places shall be backfilled with earth therefrom, the top shale to be replaced on top and not mixed with dirt so as to seep down next to the pipes.

(C) **Restoration of Pavements.** Any person making any excavation or tunnel in or under any street, alley or public place in the City shall restore said street, alley or public place to its original condition. In case of any unreasonable delay in so doing, the Superintendent shall give notice to the person that unless the excavation or tunnel is refilled properly and the surface relaid so as to be in the same condition as it was prior to the excavation within *ten (10) days*, then the City shall do the work and charge the expense of doing same to such person. If, within the time mentioned, the conditions of the notice have not been complied with, the work shall be done by the City, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person who made the excavation or tunnel.

33-4-23 **TRENCHES IN PIPE LAYING.** The maximum length of open trench permissible at any time shall be in accordance with existing codes and regulations; however at night no more than *fifty (50) feet* may be open with proper barriers.
33-4-24 **PROMPT COMPLETION OF WORK.** After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be so as not to obstruct the public place or travel thereon more than is reasonably necessary.

33-4-25 **URGENT WORK.** When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Street Superintendent shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee **twenty-four (24) hours** a day to the end that such excavation work may be completed as soon as possible.

33-4-26 **EMERGENCY ACTION.** Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Street Superintendent for such a permit on the first working day after such work is commenced.

33-4-27 **NOISE, DUST AND DEBRIS.** Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of **10:00 P.M. and 7:00 A.M.**, shall not use except in case of emergency as otherwise provided herein, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

33-4-28 **PRESERVATION OF MONUMENTS.** Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the City shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the City Council to do so. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of the monument by the City.
33-4-29  **INSPECTIONS.** The Street Superintendent shall make such inspections as are reasonably necessary in the enforcement of this Article. The Superintendent shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Article.

33-4-30  **LOCATION RECORDS.** Every public utility, after the enactment of this Article, shall maintain records showing the location of all of its underground facilities except relatively minor facilities which connect a particular premise or building to a facility serving more than one premise or building and except oil or gas-gathering or field lines. Every public utility shall maintain equipment which can locate such facilities in the field.

33-4-31  **LIABILITY OF PERSONS TO CITY FOR DAMAGE.** If any person violates any provision of this Code and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the City in relation thereto, and no prosecution or other proceeding by the City of such person for any penalty imposed for a violation shall constitute a bar to such action by the City for such damages.

33-4-32  **FEE FOR LOCATING UTILITIES, ETC.** The following permit fees for locating telecommunications facilities or utilities on public rights-of-way are established as follows:

(A)  **Specific Fees.**

(1)  For 2,640 feet or less - $10,000
(2)  For 2,641 feet to 10,560 feet - $25,000
(3)  For 10,561 feet or more - $50,000

(B)  The permit fees shall be paid by the applicant prior to the issuance of any permit to use any public right-of-way.

(C)  The permit fees established herein shall not prevent or limit the corporate authorities for the City from establishing or collecting additional franchise fees from telecommunications or utility companies under appropriate circumstances. (Ord. No. 1189; 10-22-02)

(See 65 ILCS Secs. 5/11-80-1 through 5/11-80-23)
ARTICLE V - STREET IMPROVEMENTS

33-5-1 CONSTRUCTION REQUIREMENTS.

(A) Permit Required, Application. It shall be unlawful to construct or lay a pavement on any public street, sidewalk, alley or other public way without first having secured a permit therefor. Applications for such permits shall be made to the City Clerk and shall conform to the provisions relating to applications for licenses and permits. Each application shall state the location of the intended pavement, the extent thereof and the person or firm who is to do the actual construction work.

(B) Bond. Applications for such permits shall be accompanied by a bond conditioned to indemnify the City for any loss or damage resulting from the work undertaken or the manner of doing the same. Such bond shall be in the sum of One Thousand Dollars ($1,000.00), with sureties to be approved by the City Council.

(C) Specifications. All street and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by the City Council.

33-5-2 REPAIR AND REPLACEMENT.

(A) Repair and Supervision. All public street, alley or sidewalk pavements shall be kept in good repair. Such repair work, whether done by the Municipality or in the case of sidewalks by the abutting owner, shall be done under the supervision of the Public Works Director. (Ord. No. 1490; 06-22-09)

(B) Application Process. Residents who wish to sign up for the sidewalk program shall complete the application form provided by City Hall. The applicant shall provide all information requested in the application and agree to construct the sidewalk in accordance with this Section. Fully completed applications will be processed in the order of receipt by City Hall, and are limited to one (1) annually per person or business. All sidewalk replacement shall be subject to inspection and approval by the Public Works Director or his designated agents or representatives. All sidewalk replacement falling under this Section shall be subject to the following rules and specifications: (1) all sidewalks shall be four (4) feet in width and four (4) inches deep, shall include grooves every four (4) feet, shall utilize a 6.4 bag mix, and shall be broom finished and edged. Sidewalks running through a driveway shall be a minimum of six (6) inches deep; (2) the applicant shall be solely responsible for all labor and costs of same associated with the removal of the existing sidewalk; (3) the applicant shall be responsible for forming, pouring and finishing of the replacement sidewalk, to include providing forms; (4) the applicant shall only utilize concrete suppliers approved or specified by the City; (5) the applicant shall advance the costs of the concrete to the concrete supplier, and upon successful completion and inspection as provided for herein, shall be reimbursed in accordance with procedures established by the City and this program; (6) the replacement sidewalk must be inspected by the City in its final pre-pour state and the applicant must obtain approval of the City to proceed with pouring the concrete. The burden is on the applicant to coordinate these inspections with the City; (7) the applicant must notify the City when the sidewalk is completed, and the City shall inspect the work performed within five (5) days thereafter; (8) any yard drains or other structures impacted by the sidewalk replacement must be replaced in accordance with instructions provided by the City. The applicant shall specifically note any structures or yard drains to be impacted by the replacement in connection with the application process; (9) the sidewalk and work contemplated hereunder must be completed within fourteen (14) days of the project start date. In the event that the applicant fails to complete the project in the allotted time, temporary extensions may be provided by the City, or the
City reserves the right to complete all remaining work at the sole cost and expense of the applicant, who expressly agrees to reimburse the City for same as a condition of this program; (10) the applicant agrees to indemnify and hold harmless the City, its agents, officials and employees, from and against all claims, causes of action, or suits arising out of, related to, or in any way based upon the work contemplated by this program; (11) all finished product must be approved by the City prior to reimbursement being issued to the applicant. Upon successful completion of these specifications, the City shall reimburse the applicant for the concrete costs. The City's total share of the sidewalk program shall not exceed the amount budgeted and approved by the City Council each fiscal year.  

(Ord. No. 1597; 10-10-11)

(C) Commercial Sidewalks. The City shall pay for all labor and materials for repair/replacement of sidewalks within the business district which are considered commercial and zoned as such. The area considered as the business district is Main Street from Madison Street on the east and Hibbard Street on the west and one block north and south of Main Street bounded by Laurel on the east and Hibbard on the west.  

(Ord. No. 1490; 06-22-09)

33-5-3 SIDEWALKS.  
(A) Grade. No sidewalk shall be built above or below the established grade of the City and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Street Superintendent and the City Council. No one shall build a sidewalk unless it consist of new construction. No one shall remove or destroy a sidewalk without replacing the same with a new sidewalk.  

(B) Permit. It shall be unlawful for any person to build, lay or construct any sidewalk along any property in the City or along any of the streets, alleys, or public highways thereon, without first filing an application for a permit with the City Clerk and approved by the City Council.  

(C) Cost to Owner. The cost of any sidewalk replacement not covered by the sidewalk program shall be borne by the property owner.  

(Ord. No. 1177; 01-08-01)

(D) Subdivisions. This Section is not applicable to new subdivisions.  

(See 65 ILCS Sec. 5/11-80-13)

33-5-4 STORM SEWERS.  
(A) Description of Storm Water Sewers. Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders, or storm waters, rain waters, or other waters other than sanitary sewage.  

(B) Supervision. The Superintendent of the Water and Sewer Departments shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.  

(C) Permits. Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or his designated representative.  

(D) Requirements: Use of Storm Water Sewers. Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the City. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system.  

(See 65 ILCS Sec. 5/11-80-7)
ARTICLE VI - CULVERT REGULATIONS

33-6-1 CROSSINGS.

CONSTRUCTION REGULATIONS AT DRIVEWAY AND DITCH CROSSINGS.

(A) Pipe Specifications.

(1) The specifications for metal pipe to be used for driveways at ditch crossings shall be as follows:

- Metal pipe 8”, 10”, 12”, 15”, 18” and 21” in diameter: 16 gauge galvanized steel pipe shall be used
- Metal pipe 24” and 30” in diameter: 14 gauge galvanized steel pipe shall be used
- Metal pipe 36” in diameter: 12 gauge galvanized steel pipe shall be used

(B) Installation and Replacement of Driveway Tiles and Culverts.

(1) All culverts and driveway tiling must be installed by and with the written consent of the City. All costs (including surface drains, if required) of any culvert or tiling installed shall be paid for by the property owner. The City shall provide an estimate to the property owner of the cost of installation, which estimate shall include an additional Fifty Dollar ($50.00) surcharge per job, or such additional amount as the City Council may approve by Resolution. The property owner shall deposit said sum with the City prior to the City commencing work.

(2) Surface drains to the tiling in excess of sixty (60) feet shall be installed at locations to be determined by the Public Works Director.

(C) Tiling of Ditches.

(1) Ditches shall only be tiled by and with the consent of the City. The City will consider tiling a ditch when the following conditions exist:

The flow line of the ditch is at least twenty-four (24) inches below the edge of the roadway and sufficient public right-of-way width is not available to provide fore and back ditch slopes of 3:1 or flatter.
(2) The cost of tiling ditches and driveway crossings, including the cost of the tile, shall be paid for by the property owner.
(3) Construction regulations for tiling ditches shall conform to IDOT specifications and requirements current at the time of construction.

(Ord. No. 1490; 06-22-09)

(See 65 ILCS Sec. 5/11-80-7)

ARTICLE VII - DRIVEWAYS

33-7-1 PERMITS REQUIRED; APPLICATION. No person shall construct a driveway for vehicles or animals across any sidewalk in the City without having first obtained a permit therefor. Applications for such permit shall be made to the City Clerk.

33-7-2 CONSTRUCTION SPECIFICATIONS.
(A) Grade. No driveway shall be so constructed or graded as to leave a steep, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk.
(B) Materials of Construction.
(1) Driveways across sidewalks shall be constructed of concrete according to specifications approved by the Superintendent of Streets.
(2) It shall be unlawful to have the surface finish of any driveway where the same cross the sidewalk constructed of such materials as will render it slippery and hazardous for pedestrians.

33-7-3 MAINTENANCE AND REPAIR. It shall be the duty of every person maintaining a driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

(See 65 ILCS Sec. 5/11-80-2)
ARTICLE VIII – STREET NAMES AND HOUSE NUMBERS

33-8-1 Plan for Street Names and House Numbers. All owners of buildings, residences or storerooms fronting upon the public streets within the City, now erected or which may hereafter be erected, are hereby required to number such buildings, residences and storerooms in accordance with the following plan:

(A) Main Street shall be the base or dividing line for all such numbering on all streets running north and south, and Union Street shall be the base or dividing line for all streets east and west.

(B) All that portion of north and south streets crossing and being north of Main Street shall be designated by the prefix “North”, and that portion of such streets being south of Main Street shall be designated by the prefix “South”; all that portion of streets crossing and being east of Union Street shall be designated by the prefix “East”, and that portion of such street being west of Union Street by the prefix “West”.

(C) Odd numbers shall be used on the north side of all streets running east and west and on the west side of all streets running north and south; even numbers shall be used on the south side of all streets running east and west and upon the east side of all streets running north and south.

(D) The first number on the east side of all streets running north and south of Main Street shall be 100, and the first number on the west side of the same shall be 101. The first number on the north side of all streets running east and west from Union Street shall be 101, and the first number on the south side of the same street shall be 100. All lots and buildings shall be numbered consecutively allowing one number for each lot, building or establishment.

33-8-2 Placement of Numbers. Numbers to be placed on all buildings in compliance with this Chapter shall be not less than three (3) inches in height and two (2) inches in width (3” x 2”) and shall be plainly visible from the street on which such building or residence faces.

33-8-3 Chart Kept. The City Clerk shall keep a chart showing the proper street numbers of all lots and buildings in the City.
ARTICLE IX

CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

33-9-1 PURPOSE AND SCOPE.

(A) Purpose. The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the City’s jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.

(B) Intent. In enacting this Article, the City intends to exercise its authority over the rights-of-way in the City and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

1. prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
2. prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. prevent interference with the facilities and operations of the City’s utilities and of other utilities lawfully located in rights-of-way or public property;
4. protect against environmental damage, including damage to trees, from the installation of utility facilities;
5. protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
6. preserve the character of the neighborhoods in which facilities are installed;
7. preserve open space, particularly the tree-lined parkways that characterize the City’s residential neighborhoods;
8. prevent visual blight from the proliferation of facilities in the rights-of-way; and
9. assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) Facilities Subject to this Article. This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the City. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) Franchises, Licenses, or Similar Agreements. The City, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the City rights-of-way. Utilities that are not required by
law to enter into such an agreement may request that the City enter into such an agreement. In such an agreement, the City may provide for terms and conditions inconsistent with this Article.

(E) **Effect of Franchises, Licenses, or Similar Agreements.**

(1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the City, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the City and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The City shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the City so determines. Nothing herein shall be construed to limit the ability of the City to regulate its rights-of-way for the protection of the public health, safety and welfare.

33-9-2 **DEFINITIONS.** As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

"**AASHTO**": American Association of State Highway and Transportation Officials.

"**ANSI**": American National Standards Institute.

"**Applicant**": A person applying for a permit under this Article.

"**ASTM**": American Society for Testing Materials.

"**Backfill**": The methods or materials for replacing excavated material in a trench or pit.
"Bore" or "Boring": To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable Operator": That term as defined in 47 U.S.C. 522(5).

"Cable Service": That term as defined in 47 U.S.C. 522(6).

"Cable System": That term as defined in 47 U.S.C. 522(7).

"Carrier Pipe": The pipe enclosing the liquid, gas or slurry to be transported.

"Casing": A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"City": The City of Staunton.

"Clear Zone": The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

"Coating": Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.


"Conductor": Wire carrying electric current.

"Conduit": A casing or encasement for wires or cables.

"Construction" or "Construct": The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover": The depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility": A facility that crosses one or more right-of-way lines of a right-of-way.

"Disrupt the Right-of-Way": For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devises, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency": Any immediate maintenance to the facility required of the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement": Provision of a protective casing.

"Engineer": The City Engineer or his or her designee.

"Equipment": Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation": The making of a hole or cavity by removing material, or laying bare by digging.

"Extra Heavy Pipe": Pipe meeting ASTM standards for this pipe designation.

"Facility": All structures, devises, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes,
equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term “facility” shall not include any facility owned or operated by the City.

"Freestanding Facility": A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road": Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Hazardous Materials": Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the City Engineer to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

"Highway Code": The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Highway": A specific type of right-of-way used for vehicular traffic including rural or urban roads, or streets. “Highway” includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder": A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT": Illinois Department of Transportation.

"ICC": Illinois Commerce Commission.

"Jacking": Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting": Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use": The use of pole lines, trenches or other facilities by two or more utilities.


"Major Intersection": The intersection of two or more major arterial highways.

"Occupancy": The presence of facilities on, over or under right-of-way.

"Parallel Facility": A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway": Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut": The removal of an area of pavement for access to facility or for the construction of a facility.
"Permittee": That entity to which a permit has been issued pursuant to Sections 33-9-4 and 33-9-5 of this Article.

"Practicable": That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure": The internal force acting radically against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines": Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt": That which is done within a period of time specified by the City. If no time period is specified, the period shall be thirty (30) days.

"Public Entity": A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Public Works Director": The City Public Works Director or his designee.

"Restoration": The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way": Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the City has the right and authority to authorize, regulate or permit the location of facilities other than those of the City. "Right-of-way" or "rights-of-way" shall not include any real or personal City property that is not specifically described in the previous two sentences and shall not include City buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Roadway": That part of the highway that includes the pavement and shoulders.

"Sale of Telecommunications at Retail": The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

"Security Fund": That amount of security required pursuant to Section 33-9-10.

"Shoulder": A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment": A decision(s) consistent with generally accepted engineering principles, practices and experience.

"Telecommunications": This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-
way or two-way communications, and any other transmission of messages or
information by electronic or similar means, between or among points by wire, cable,
fiber optics, laser, microwave, radio, satellite, or similar facilities. “Private line” means a
dedicated non-traffic sensitive service for a single customer that entitles the customer
to exclusive or priority use of a communications channel, or a group of such channels,
from one or more specified locations to one or more other specified locations.
“Telecommunications” shall not include value added services in which computer
processing applications are used to act on the form, content, code and protocol of the
information for purposes other than transmission. “Telecommunications” shall not
include purchase of telecommunications by a telecommunications service provider for
use as a component part of the service provided by such provider to the ultimate retail
consumer who originates or terminates the end-to-end communications.
“Telecommunications” shall not include the provision of cable services through a cable
system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521
and following), as now or hereafter amended, or cable or other programming services
subject to an open video system fee payable to the City through an open video system
as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500
and following), as now or hereafter amended.

"Telecommunications Provider" means any person that installs, owns,
operates or controls facilities in the right-of-way used or designed to be used to
transmit telecommunications in any form.

"Telecommunications Retailer" means and includes every person engaged
in making sales of telecommunication at retail as defined herein.

"Trench": A relatively narrow open excavation for the installation of an
underground facility.

"Utility": The individual or entity owning or operating any facility as defined in
this Article.

"Vent": A pipe to allow the dissipation into the atmosphere of gases or vapors
from an underground casing.

"Video Service": That term as defined in Section 21-201(v) of the Illinois
Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Water Lines": Pipelines carrying raw or potable water.

"Wet Boring": Boring using water under pressure at the cutting auger to
soften the earth and to provide a sluice for the excavated material.

33-9-3 ANNUAL REGISTRATION REQUIRED. Every utility that
occupies right-of-way within the City shall register on January 1 of each year with the
Public Works Director, providing the utility's name, address and regular business
telephone and telecopy numbers, the name of one or more contact persons who can
act on behalf of the utility in connection with emergencies involving the utility’s facilities
in the right-of-way and a twenty-four (24) hour telephone number for each such
person, and evidence of insurance as required in Section 33-9-8 of this Article, in the
form of a certificate of insurance.
33-9-4 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any City right-of-way which:

1. changes the location of the facility;
2. adds a new facility;
3. disrupts the right-of-way (as defined in this Article), or
4. materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Public Works Director and obtaining a permit from the City therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers’ premises where there will be no disruption of the right-of-way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the City and shall be filed in such number of duplicate copies as the City may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly.

(C) **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility’s name and address and telephone and telecopy numbers;
2. The applicant’s name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
5. Evidence that the utility has placed on file with the City:
   (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
(b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the City and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the City finds that additional information or assurances are needed;

(6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;

(7) Evidence of insurance as required in Section 33-9-8 of this Article;

(8) Evidence of posting of the security fund as required in Section 33-9-10 of this Article;

(9) Any request for a variance from one or more provisions of this Article (See Section 33-9-21); and

(10) Such additional information as may be reasonably required by the City.

(D) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of paragraph (C) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

(1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any “Certificate of Public Convenience and Necessity” or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

(2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

(3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

(4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation, have been satisfied; or
(5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) **Applicant’s Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the City within **thirty (30) days** after the change necessitating the amendment.

(F) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a fee in the amount of $1000.00, or one percent (1%) of the estimated cost of applicant’s proposed improvements, as certified by the applicant’s professional engineer, whichever is greater, plus any and all direct and indirect costs incurred by the City including the fees and costs of professional consultants retained by the City to assist with the technical and legal review of the application. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

33-9-5 **ACTION ON PERMIT APPLICATIONS.**

(A) **City Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Public Works Director within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Public Works Director shall reject such application in writing, stating the reasons therefor. If the Public Works Director is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Public Works Director shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Public Works Director, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional City Review of Applications of Telecommunications Retailers.**

(1) Pursuant to Section 4 of the Telephone Company Act, **220 ILCS 65/4**, a telecommunications retailer shall notify the City that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the City not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Public
(2) In the event that the Public Works Director fails to provide such specification of location to the telecommunications retailer within either (a) ten (10) days after service of notice to the City by the telecommunications retailer in the case of work not involving excavation for new construction or (b) twenty-five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.

(3) Upon the provision of such specification by the City, where a permit is required for work pursuant to Section 33-9-4 of this Article the telecommunications retailer shall submit to the City an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional City Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five (45) days after submission to the City, unless otherwise acted upon by the City, provided the holder has complied with applicable City codes, ordinances, and regulations.

33-9-6 **EFFECT OF PERMIT.**

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the City authorizes a permittee to undertake only certain activities in accordance with this Article on City rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the City with such City representatives in attendance as the City deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in
the areas where work will occur, including, without limitation, presence or absence of 
other utility facilities in the area and their locations, procedures to avoid disruption of 
other utilities, use of rights-of-way by the public during construction, and access and 
egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit 
by the City does not excuse the permittee from complying with other requirements of 
the City and applicable statutes, laws, ordinances, rules, and regulations.

33-9-7 **REVISED PERMIT DRAWINGS.** In the event that the actual 
locations of any facilities deviate in any material respect from the locations identified in 
the plans, drawings and specifications submitted with the permit application, the 
permittee shall submit a revised set of drawings or plans to the City within **ninety (90) 
days** after the completion of the permitted work. The revised drawings or plans shall 
specifically identify where the locations of the actual facilities deviate from the locations 
approved in the permit. If any deviation from the permit also deviates from the 
requirements of this Article, it shall be treated as a request for variance in accordance 
with Section 33-9-21 of this Article. If the City denies the request for a variance, 
then the permittee shall either remove the facility from the right-of-way or modify the 
facility so that it conforms to the permit and submit revised drawings or plans therefor.

33-9-8 **INSURANCE.**

(A) **Required Coverages and Limits.** Unless otherwise provided by 
franchise, license, or similar agreement, each utility occupying right-of-way or 
constructing any facility in the right-of-way shall secure and maintain the following 
liability insurance policies insuring the utility as named insured and naming the City, and 
its elected and appointed officers, officials, agents, and employees as additional 
insureds on the policies listed in paragraphs (1) and (2) below:

1. Commercial general liability insurance, including premises-
   operations, explosion, collapse, and underground hazard 
   (commonly referred as “X”, “C”, and “U” coverages) and 
   products-completed operations coverage with limits not less 
   than:
   
   a. **Five Million Dollars ($5,000,000.00)** for bodily 
      injury or death to each person;
   
   b. **Five Million Dollars ($5,000,000.00)** for property 
      damage resulting from any one accident; and
   
   c. **Five Million Dollars ($5,000,000.00)** for all other 
      types of liability;

2. Automobile liability for owned, non-owned and hired vehicles 
   with a combined single limit of **One Million Dollars**
   **($1,000,000.00)** for personal injury and property damage 
   for each accident;
(3) Worker’s compensation with statutory limits; and
(4) Employer’s liability insurance with limits of not less than One Million Dollars ($1,000,000.00) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(B) **Excess or Umbrella Policies.** The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required.** The utility shall provide copies of any of the policies required by this Section to the City within **ten (10) days** following receipt of a written request therefor from the City.

(D) **Maintenance and Renewal of Required Coverages.** The insurance policies required by this Section shall contain the following endorsement: “It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until **thirty (30) days** after receipt by the City, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Mayor of such intent to cancel or not to renew.”

Within **ten (10) days** after receipt by the City of said notice, and in no event later than **ten (10) days** prior to said cancellation, the utility shall obtain and furnish to the City evidence of replacement insurance policies meeting the requirements of this Section.

(E) **Self-Insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under paragraph (A), or the requirements of paragraphs (B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under paragraph (A) of this Section, such as evidence that the utility is a “private self insurer” under the Workers Compensation Act.

(F) **Effect of Insurance and Self-Insurance on Utility’s Liability.** The legal liability of the utility to the City and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies.** All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois.
33-9-9 INDEMNIFICATION. By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the City and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney’s fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility’s indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the City, its officials, officers, employees, agents or representatives.

33-9-10 SECURITY. (A) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee’s sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

(1) The faithful performance by the permittee of all the requirements of this Article;
(2) Any expenditure, damage, or loss incurred by the City occasioned by the permittee’s failure to comply with any codes, rules, regulations, orders, permits and other directives of the City issued pursuant to this Article; and
(3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the City may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the City must perform itself or have completed as a consequence solely of the permittee’s failure to perform or complete, and all other payments due the City from the permittee pursuant to this Article or any other applicable law.
(B) **Form.** The permittee shall provide the Security Fund to the City in the form, at the permittee’s election, of cash, a surety bond in a form acceptable to the City, or an unconditional letter of credit in a form acceptable to the City. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

1. Provide that it will not be canceled without prior notice to the City and the permittee;
2. Not require the consent of the permittee prior to the collection by the City of any amounts covered by it; and
3. Shall provide a location convenient to the City and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Public Works Director, and may also include reasonable, directly related costs that the City estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the City, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Public Works Director may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The City, upon **fourteen (14) days’** advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this paragraph, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the City for such amount within the **fourteen (14) day** notice period. Withdrawals may be made if the permittee:

1. Fails to make any payment required to be made by the permittee hereunder;
2. Fails to pay any liens relating to the facilities that are due and unpaid;
3. Fails to reimburse the City for any damages, claims, costs or expenses which the City has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
4. Fails to comply with any provision of this Article that the City determines can be remedied by an expenditure of an amount in the Security Fund.
(E) **Replenishment.** Within fourteen (14) days after receipt of written notice from the City that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the City, upon written request for said withdrawal to the City, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the City for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the City to the extent necessary to cover any reasonable costs, loss or damage incurred by the City as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the City with respect to the Security Fund are in addition to all other rights of the City, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the City may have. Notwithstanding the foregoing, the City shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

33-9-11 **PERMIT SUSPENSION AND REVOCATION.**

(A) **City Right to Revoke Permit.** The City may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
2. Noncompliance with this Article;
3. Permittee’s physical presence or presence of permittee’s facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
4. Permittee’s failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The City shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 33-9-11.
(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the City, the permittee shall have the following options:

1. Immediately provide the City with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the City, the deficiencies stated in the written notice, providing written proof of such correction to the City within five (5) working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the City providing written proof of such removal to the City within ten (10) days after receipt of the written notice of revocation.

The City may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the City may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the City or its designee may, at the option of the City:

1. correct the deficiencies;
2. upon not less than twenty (20) days notice to the permittee, remove the subject facilities or equipment; or
3. after not less than thirty (30) days notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the City. The permittee shall be liable in all events to the City for all costs of removal.

### 33-9-12 CHANGE OF OWNERSHIP OR OWNER’S IDENTITY OR LEGAL STATUS.

(A) **Notification of Change.** A utility shall notify the City no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have
accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the City’s right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

### 33-9-13 GENERAL CONSTRUCTION STANDARDS.

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1. Standard Specifications for Road and Bridge Construction;
2. Supplemental Specifications and Recurring Special Provisions;
3. Highway Design Manual;
4. Highway Standards Manual;
5. Standard Specifications for Traffic Control Items;
7. Flagger’s Handbook; and

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Public Works Director shall determine which principles apply and such decision shall be final. If requested, the Public Works Director shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

### 33-9-14 TRAFFIC CONTROL.

(A) **Minimum Requirements.** The City’s minimum requirements for traffic protection are contained in IDOT’s Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility’s workers when performing any work on the rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any
residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 33-9-20 of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility’s attention by the City.

33-9-15 **LOCATION OF FACILITIES.**

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

1. **No Interference with City Facilities.** No utility facilities shall be placed in any location if the Public Works Director determines that the proposed location will require the relocation or displacement of any of the City’s utility facilities or will otherwise interfere with the operation or maintenance of any of the City’s utility facilities.

2. **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

3. **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

4. **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

5. **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(B) **Parallel Facilities Located Within Highways.**

1. **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:
   (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
(b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;

(c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;

(d) No pole is located in the ditch line of a highway; and

(e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.

(2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:

(a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;

(b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and

(c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.

(C) **Facilities Crossing Highways.**

(1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of City highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

(3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
(4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:

(a) It has a minimum vertical line clearance as required by ICC’s rules entitled, “Construction of Electric Power and Communication Lines” (83 Ill. Adm. Code 305);

(b) Poles are located within one (1) foot (0.3m) of the right-of-way line of the highway and outside of the clear zone; and

(c) Overhead crossings at major intersections are avoided.

(5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:

(a) The design materials and construction methods will provide maximum maintenance-free service life; and

(b) Capacity for the utility’s foreseeable future expansion needs is provided in the initial installation.

(6) **Markers.** The City may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D) **Facilities to be Located Within Particular Rights-of-Way.** The City may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E) **Freestanding Facilities.**

1. The City may restrict the location and size of any freestanding facility located within a right-of-way.

2. The City may require any freestanding facility located within a right-of-way to be screened from view.

(F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:

1. No other existing facilities in the area are located underground;

2. New underground installation is not technically feasible; and

3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
Facility Attachments to Bridges or Roadway Structures.

(1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

(2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

(a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
(b) The type, length, value, and relative importance of the highway structure in the transportation system;
(c) The alternative routings available to the utility and their comparative practicability;
(d) The proposed method of attachment;
(e) The ability of the structure to bear the increased load of the proposed facility;
(f) The degree of interference with bridge maintenance and painting;
(g) The effect on the visual quality of the structure; and
(h) The public benefit expected from the utility service as compared to the risk involved.

Appearance Standards.

(1) The City may prohibit the installation of facilities in particular locations in order to preserve visual quality.

(2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.
33-9-16 CONSTRUCTION METHODS AND MATERIALS.

(A) Standards and Requirements for Particular Types of Construction Methods.

(1) Boring or Jacking.

(a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Public Works Director from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

(b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.

(c) **Borings With Diameters Greater than Six (6) Inches.** Borings over six (6) inches (0.15m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm).**

(d) **Borings with Diameters Six (6) Inches or Less.** Borings of six (6) inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

(e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the City to be preserved or protected shall be bored under or around the root system.

(2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT’s “Standard Specifications for Road and Bridge Construction”.

(a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Public Works Director.
(b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

(c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the City to be preserved.

(3) **Backfilling.**

(a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT’s “Standard Specifications for Road and Bridge Construction”. When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

(b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Public Works Director, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Public Works Director.

(4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph (4) is permitted under Section 33-9-21, the following requirements shall apply:

(a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Public Works Director.

(b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary
repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the City.

(c) All saw cuts shall be full depth.

(d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) Encasement.

(a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the City.

(b) The venting, if any, of any encasement shall extend within one (1) foot (0.3m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

(c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or City approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the City. Bell and spigot type pipe shall be encased regardless of installation method.

(d) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.

(e) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if:
   (i) extra heavy pipe is used that precludes future maintenance or repair and
   (ii) cathodic protection of the pipe is provided;

(f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Minimum Cover</th>
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</thead>
<tbody>
<tr>
<td>Electric Lines</td>
<td>30 inches (0.8m)</td>
</tr>
<tr>
<td>Communication, Cable or Video Service Lines</td>
<td>18 to 24 inches (0.6m, as Determined by City)</td>
</tr>
<tr>
<td>Gas or Petroleum Products</td>
<td>30 inches (0.8m)</td>
</tr>
<tr>
<td>Water Line</td>
<td>Sufficient Cover to Provide Freeze Protection</td>
</tr>
<tr>
<td>Sanitary Sewer, Storm Sewer, Or Drainage Line</td>
<td>Sufficient Cover to Provide Freeze Protection</td>
</tr>
</tbody>
</table>

Standards and Requirements for Particular Types of Facilities.

Electric Power or Communication Lines.


(b) Overhead Facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

(c) Underground Facilities.

(i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
(ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:
   a. the crossing is installed by the use of “moles”, “whip augers”, or other approved method which compress the earth to make the opening for cable installation or
   b. the installation is by the open trench method which is only permitted prior to roadway construction.

(iii) Cable shall be grounded in accordance with the National Electrical Safety Code.

(iv) **Burial of Drops.** All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the City. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business days after placement.

(2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
   (a) The use of “moles”, “whip augers”, or other approved methods which compress the earth to move the opening for the pipe;
   (b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
   (c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
   (d) tunneling with vented encasement, but only if installation is not possible by other means.

(3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a City approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT’s
“Standard Specifications for Road and Bridge Construction”, and all other applicable laws, rules, and regulations.

(4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

(5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois”.

(6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one (1) foot (305mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Public Works Director, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

**Materials.**

(1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT’s “Standard Specifications for Road and Bridge Construction”, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

(2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Public Works Director. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the City.

(3) **Hazardous Materials.** The plans submitted by the utility to the City shall identify any hazardous materials that may
be involved in the construction of the new facilities or removal of any existing facilities.

(D) Operational Restrictions.
(1) Construction operations on rights-of-way may, at the discretion of the City, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

(2) These restrictions may be waived by the Public Works Director when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the City, the hours of construction shall be those determined by the City and either set forth separately in this Code, or as determined by Resolution of the City Council.

(E) Location of Existing Facilities. Any utility proposing to construct facilities in the City shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The City will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the City or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within forty-eight (48) hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.)

33-9-17 VEGETATION CONTROL.
(A) Electric Utilities - Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the City as permitted by law.

(B) Other Utilities - Tree Trimming Permit Required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.
(1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The City will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The City may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(B) **Specimen Trees or Trees of Special Significance.** The City may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(C) **Chemical Use.**

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the City for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Public Works Director that such spraying is the only practicable method of vegetation control.

**33-9-18 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.**

(A) **Notice.** Within ninety (90) days following written notice from the City, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.
(B) **Removal of Unauthorized Facilities.** Within thirty (30) days following written notice from the City, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee’s license or franchise, unless otherwise permitted by applicable law;
2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
3. If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
4. If the facility was constructed or installed at a location not permitted by the permittee’s license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The City retains the right and privilege to cut or move any facilities located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the City, the utility shall notify the City within ninety (90) days. Following receipt of such notice the City may direct the utility to remove all or any portion of the facility if the Public Works Director determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the City does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the City, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

**33-9-19 CLEANUP AND RESTORATION.** The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the City. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Public Works Director. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Public Works Director for good cause shown.
33-9-20 MAINTENANCE AND EMERGENCY MAINTENANCE.
(A) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the City and at the utility’s expense.
(B) Emergency Maintenance Procedures. Emergencies may justify noncompliance with normal procedures for securing a permit:
(1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
(2) In an emergency, the utility shall, as soon as possible, notify the Public Works Director or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the City police shall be notified immediately.
(3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.
(C) Emergency Repairs. The utility must file in writing with the City a description of the repairs undertaken in the right-of-way within forty-eight (48) hours after an emergency repair.

33-9-21 VARIANCES.
(A) Request for Variance. A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Public Works Director as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.
(B) Authority to Grant Variances. The Public Works Director shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.
(C) **Conditions for Granting of Variance.** The Public Works Director may authorize a variance only if the utility requesting the variance has demonstrated that:

1. One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

2. All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Public Works Director may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Public Works Director under the provisions of this Article shall have the right to appeal to the City Council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the City Clerk within thirty (30) days after the date of such order, requirement, decision or determination. The City Council shall commence its consideration of the appeal at the Council’s next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The City Council shall timely decide the appeal.

33-9-22 **Penalties.** Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the City will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the City’s costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the City. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

33-9-23 **Enforcement.** Nothing in this Article shall be construed as limiting any additional or further remedies that the City may have for enforcement of this Article.
33-9-24 SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(Ord. No. 1478; 04-27-09)
EXCAVATION PERMIT

NAME ____________________________________________________________
FIRM NAME _________________________________________________________
ADDRESS __________________________________________________________
CITY/VILLAGE ____________________________  STATE _____  PHONE _________
LOCATION OF PROPOSED EXCAVATION __________________________________

NATURE OF EXCAVATION ____________________________________________

______________________________________________________________

BONDING COMPANY:
NAME ____________________________________________________________
ADDRESS __________________________________________________________
CITY/VILLAGE ____________________________  STATE _____  PHONE _________
AMOUNT OF BOND $_______________________________________________

PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)

<table>
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<th>CITY/VILLAGE</th>
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I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

_____________________________________________
(Applicant’s Signature)
APPLICATION FOR CULVERT/DRIVEWAY PERMIT

I, ____________________________, do hereby request permission and authority to construct a culvert/driveway on the right-of-way of the City in accordance with the information provided on this application and the accompanying sketch. (Applicant must prepare a sketch showing location, length and pertinent details.)

ADDRESS: ________________________________________________________

Pipe material will be: ________________________________________________

Wall thickness or gauge will be: _______________________________________

Type of joint will be: _________________________________________________

DATED: _________________________, 19__ SIGNED: ________________________

(APPLICANT)

CULVERT/DRIVEWAY PERMIT

APPLICATION Approved ( ) Disapproved ( )

If disapproved, state reasons:

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

DATED: _________________________, 19__ SIGNED: ________________________

CERTIFICATION

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit.

DATED: _________________________, 19__ SIGNED: ________________________
APPLICATION FOR RESIDENTIAL SIDEWALK REPLACEMENT
CITY OF STAUNTON, ILLINOIS

Applicant Information

Name: ________________________________________________________________

Address: _____________________________________________________________________

Telephone Number: _______________________________________________________

Length of Sidewalk to be replaced: __________ feet.

Width of Sidewalk to be replaced: __________ feet.

Estimated quantity of concrete: __________ cubic yards.

Start of Work Date: ________________________________

Instructions/Specifications

1. All sidewalks are to be constructed to specifications.
2. City contractor will be responsible for all labor associated with removal of existing sidewalks and forming, pouring and finishing of new/replacement sidewalks.
3. Applicant agrees to pay 25% of the cost of the successful bid selected by the City for the work. The amount shall be due and payable at time of signing of application.
4. Check should be made payable to City of Staunton

DATE: ________________________ (APPLICANT)

Superintendent of Street & Alley
## ESTIMATED CONCRETE QUANTITY FOR SIDEWALK REPLACEMENT

<table>
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<th>Sidewalk Length (feet)</th>
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CHAPTER 34

SUBDIVISION CODE

ARTICLE 1 - GENERAL PROVISIONS

34-1-1 TITLE. This Code shall be known, referred to and cited as the “Subdivision Code”.

34-1-2 SCOPE. For the purpose of present and future development of the City and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the territory governed, the provisions and regulations hereafter contained shall govern the subdividing and platting of lands lying within the corporate limits of the municipality and within all unincorporated territory located within one and one-half (1 1/2) miles of the municipality, as now or hereafter existing, except as otherwise provided in this Code. Within the area of jurisdiction of the City, the provisions of the Statutes of the State of Illinois are hereby adopted as part of the Official Plan of the City.

This Code prescribes procedures for the subdivision or resubdivision of land within the area of jurisdiction of the City and comprises the procedures, requirements, standards, and specifications with respect thereto. (See 65 ILCS Sec. 5/11-12-9)

34-1-3 PURPOSE. In accordance with State law, this Chapter regulates the subdivision and development of land in order to assist in achieving the following specific objectives:

(A) to preserve, protect, and promote the public health, safety, and welfare;
(B) to implement the City Comprehensive Plan and the Official Map;
(C) to provide a pleasant living environment by furthering the orderly layout and development of land;
(D) to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
(E) to conserve and increase the value of land, improvements, and buildings throughout the City;
(F) to preserve the City’s natural beauty and topography to the maximum feasible extent;
(G) to protect against injury or damage caused by pollution, storm water runoff, or erosion and sedimentation;
(H) to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
(I) to ensure the proper installation and maintenance of adequate water mains, sanitary sewers, storm water sewers, and other utilities and services; and
(J) to ensure that in conservation areas, adequate parks and similar facilities can be made available to serve the residents of new developments.

(See 65 ILCS Sec. 5/11-12-8 through 5/11-12-12; 765 ILCS Sec. 205/0.01 et seq.)

34-1-4 INTERPRETATION. This Code is intended as Minimum Requirements to provide for coordinated, efficient, and economic development of the City, to ensure the adequacy of street and utility facilities, and to promote the public health, safety and welfare.

Thus, in accordance with State law, whenever this Chapter imposes higher standards than the County Subdivision Code and the Plat Act, Chapter 765, the higher standards shall supersede the County regulations in the unincorporated territory located within the subdivision jurisdiction of the City.

34-1-5 APPLICATION OF CODE. No lot, tract or parcel of land in a subdivision, as defined herein, may be conveyed unless a Final Plat of the property has been approved according to the requirements and provisions of this Code and recorded in the office of the County Recorder of Deeds, except in those instances listed in Section 34-1-9 when subdivision plats will not be required.

34-1-6 SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT. Land unsuitable for subdivision development due to drainage, flood hazard area, hillside area, rock formation or any other condition(s) constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data satisfactory to the Plan Commission, establishing that the methods proposed to meet any such condition(s) are adequate to avoid any danger to health, life or property.

34-1-7 RULES AND DEFINITIONS. The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

34-1-7.1 Words. Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word:

Administrator: The Administrator or the person designated by the City Council to enforce and administer the provisions of this Code, or his duly appointed representative(s). The City Clerk is hereby designated until otherwise provided.
**Area, Gross:** The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

**Barrier (Natural or Artificial):** Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.

**Commission:** The Plan Commission of the City.

**Comprehensive Plan:** The plan or any portion thereof adopted by the City for the coordinated physical development, including, among other things, plans and programs regarding the location, character, and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the City.

**Cul-de-Sac:** A short, minor local street, having only one (1) end open for vehicular traffic, and the other end permanently terminated by a turn-around for vehicles.

**Design:** The arrangement of uses on the land and use of land for easements, lots and rights-of-way, including material, alignment, grade and width of these elements.

**Flood Hazard Area:** All land subject to periodic inundation from overflow of natural waterways when subjected to the maximum possible runoff from three (3) inches of rain per hour as calculated by approved engineering methods subject to periodic ponding.

**Hillside Area:** An area with an average slope of twenty percent (20%) or more.

**Improvement:** Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water), to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

**Improvement Plans:** The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the subdivision.

**Land Use Plan:** The long-range plan for the desirable use of land in the City as officially adopted and as amended from time to time by the City Council or appropriate corporate authority.

**Loading Space:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**Parking Lane:** An auxiliary lane of a street used primarily for vehicular parking.
Plans: All of the drawings, including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in Article III of this Code, and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the appropriate officials of the City for consideration, approval or disapproval.

Plat: The maps, drawings, charts, and other documents complying with all applicable provisions of this Code which constitute the plan for subdivision and which the subdivider submits to the City for consideration of approval.

Plat, Final: A plat prepared to the requirements of Article IV and if approved, will be submitted to the County Recorder of Deeds for recordation.

Plat, Preliminary: A plat drawn upon tracing paper or other material from which reproduction can be made and conforming to the requirements of Article II of this Code.

Premises: A lot, together with all the buildings and uses thereon.

Public Sewer and Water Facilities: Those water and/or sewer facilities of the City, County, the State, the Federal and/or of a sanitary sewer district and/or privately-owned public facilities which comply with applicable public health standards.

Re-subdivision: See Subdivision.

Road, County: A term denoting a tract of land which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the rights-of-way. This tract of land must have been presented to and accepted by the County Superintendent of Highways.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter which lies between the right-of-way lines.

Setback Line: The line parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Slope: The degree of natural inclination of the existing ground.

Street: A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such
other designation for a street as a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

**Street, Arterial:** A street designed or utilized primarily for high vehicular speeds and heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

**Street, Collector:** A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

**Street, Local:** A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

**Street, Marginal Access or Service Road:** A local street parallel and adjacent to arterial streets providing access to abutting properties.

**Structure:** Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

**Stub:** A street that is temporarily terminated, but that is planned for future continuation.

**Subdivide:** See “Subdivision”.

**Subdivider:** Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

**Subdivision:** The division of land into two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development, or any other uses, or the establishment or dedication of a public street or alley through a tract of land regardless of size. The term “subdivision” shall also include all re-subdivisions of land or lots.

**Subdivision, Minor:** A division of land into two (2), but not more than four (4) lots, all of which front upon an existing street, not involving any new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

**Topography:** The relief features or surface configuration of an area of land.

**Travelway:** That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
**Vacate:** To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

**Variance, Subdivision:** A relaxation in the strict application of the design and improvement standards set forth in this Chapter.

34-1-8 **ADOPTION BY REFERENCE.** All definitions not otherwise noted contained in *The Revised Code of Ordinances* are hereby adopted by reference.

34-1-9 **SUBDIVISION PLATS WILL NOT BE REQUIRED.** The provisions of these regulations *do not* apply and no subdivision plat is required in any of the following instances, provided, however, all of the resulting divisions shall conform to this Code:

(A) The division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access;

(B) The division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access;

(C) The sale or exchange of parcels of land between owners of adjoining and contiguous land;

(D) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

(E) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(F) Conveyance made to correct descriptions in prior conveyances;

(G) The sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel or tract of land existing on **July 17, 1959**, and not involving any new streets or easements of access, provided, however, a plat of survey shall be prepared by a registered surveyor and submitted to the Plan Commission;

(H) The sale of a single lot of less than **five (5) acres** from a larger tract when a plat of a survey is made by a registered surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on **October 1, 1973**, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land; and

(I) The division of land for cemetery usage.

Under the circumstances when subdivision plats are not required as described above, the Plan Commission reserves the right to request a plat of survey or other documentation if there is a need for said survey or documentation in order to verify conformance to insure that the division of property is in accordance with the purpose and objectives of the Code as listed in Section 34-1-3.
34-1-10 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no official, council member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. (See "Local Governmental Employees Tort Immunity Act," 745 ILCS Sec. 10/1-101)

(B) Any suit brought against any official, council member, agent, or employee of this City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City Attorney until the final determination of the legal proceedings.
ARTICLE II - PRELIMINARY PLAT

DIVISION I - PROCEDURE

34-2-1 PRE-APPLICATION CONFERENCE. Before submitting a preliminary plan and plat, the applicant is encouraged to confer with the Administrator and the Plan Commission and other official units of government affected thereby as well as those providing services to the areas in question to initiate pre-planning activities and obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys and other data.

34-2-2 APPLICABILITY OF ARTICLE. No land within the subdivision jurisdiction of the City—other than land that is specifically exempted from the requirements of this Code as provided in Section 34-1-9—shall be subdivided or developed except in compliance with the regulations of this Code and the applicable provisions of State law. No lot in any subdivision shall be conveyed until:

(A) The portion of the subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements; and

(B) The final plat of the subdivision has been approved by the City Council and recorded in the office of the County Recorder of Deeds.

No building permit shall be issued to allow construction on any lot conveyed in violation of this Section.

34-2-3 MINOR SUBDIVISIONS. Minor subdivisions, as defined in Section 34-1-7, may be exempted from the procedures and requirements for Preliminary Plats and the subdivider may proceed to filing of the Final Plat for review. Final Plat procedures and requirements shall be as specified in Article IV, Sections 34-4-1 and 34-4-4.

34-2-4 PRELIMINARY PLAN AND PLAT.

34-2-4.1 SUBDIVIDER. The subdivider shall file with the City at the office of the Administrator ten (10) copies of the Preliminary Plan and Plat at least ten (10) days prior to the regularly scheduled Plan Commission meeting. Such application shall include the following:

(A) Requested Information. A written request to the Plan Commission for preliminary review of such subdivision and a general description of the location and size of the tract to be platted; the intent as to character type and use of the property and structures to be developed; the deed restrictions proposed, if any; a statement of mineral rights; the extent and character of the improvements to be made by the subdivider, the zone district classification(s) of
the territory and compliance of the proposed subdivision thereto. If appropriate, a description of any unique hardship or difficulty limiting the physical development of the property under consideration and a description of any past history of the property under consideration which is pertinent thereto.

(B) **Documentation.** The necessary documentation in accordance with the requirements of this Code. *(See Sec. 34-2-6, et seq.)*

(C) **Filing Fee.** A filing fee sufficient to cover the engineering inspection fees to be incurred by the City.

34-2-4.2 **PROCEDURE.**

(A) **Distribute Copies.** The Administrator shall immediately distribute a copy to the City Superintendent(s); a copy to the School Superintendent(s); a copy to the Soil and Water Conservation Service; a copy to the City Engineer; a copy to the Mayor; **two (2) copies** to the Plan Commission; and a copy to the Fire Chief.

(B) **Time Constraints.** The Commission shall review the Preliminary Plat within **sixty (60) days** from the date of application or the filing by the subdivider of the last item of required supporting data, whichever date is later, unless such time is extended by written mutual consent, and shall determine whether the Preliminary Plat shall be approved as submitted; shall be approved subject to certain conditions and modifications; or shall be disapproved.

(C) **Plan Commission Review.** The action of the Plan Commission shall be noted in writing, and if such Preliminary Plat is disapproved or is conditionally approved, the Commission shall furnish written notice of such action to the applicant setting forth the reasons for disapproval or conditional approval and specifying with particularity the aspects in which the Preliminary Plat fails to conform to the City’s Code including the Comprehensive Plan.

(D) **City Council Review.** The City Council shall accept or reject the Preliminary Plat within **thirty (30) days** after its next regularly scheduled meeting following the action granting approval of the Preliminary Plat by the Commission, unless such time is extended by written mutual agreement of the City Council and the applicant, or such Preliminary Plat will be deemed as approved. The City Council shall indicate by letter whether the Preliminary Plat is approved or disapproved as submitted. If the Preliminary Plat is disapproved, the letter shall state the reasons for disapproval.

(E) **Official Approval.** A certified copy of the letter of approval or disapproval by the City Council shall be attached to the Preliminary Plat and shall be filed with the City Clerk; **one (1) such copy** shall be filed with the Administrator and **one (1) copy** shall be returned to the subdivider. Approval of the Preliminary Plat **shall not** qualify the Preliminary Plat for recording with the County Recorder of Deeds.

(F) **Rights and Privileges of Subdivider.** Preliminary Plat approval shall confer upon the subdivider the following rights and privileges:

1. That the Preliminary Plat approval will remain in effect for a **one (1) year** period. The applicant may, during this period, submit all of or part or parts of said Preliminary Plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the Plan Commission, have final approval of the last part of the Plat delayed for a period not to exceed **three (3) years** from the date of the Preliminary Plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in length.
That the general terms and conditions under which the Preliminary Plat approval was granted will not be changed.

34-2-5 **RESERVED.**

DIVISION II - PRELIMINARY PLAT REQUIREMENTS

34-2-6 **REQUIREMENTS.** Every Preliminary Plat shall be prepared by a land surveyor registered in the State of Illinois. The Preliminary Plat to be provided by the subdivider shall meet and include the following specifications and supporting data:

- *(A)* Proposed name of the subdivision and location.
- *(B)* Small key map showing the relation of the proposed subdivision to Section or U.S. Survey Lines and to platted subdivisions and dedicated streets within **three hundred (300) feet** of the proposed subdivision.
- *(C)* Names and addresses of the owner, subdivider, land planning consultant and the Illinois Registered Land Surveyor who prepared the Preliminary Plat.
- *(D)* Existing and proposed streets or alleys and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all streets as to function as established herein.
- *(E)* All lot lines adjacent to and abutting the subdivision.
- *(F)* Layout of lots, showing approximate dimensions, numbers, lot area, and zone district classification(s).
- *(G)* Parcels of land, if any, proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes and use(s) of the area to be subdivided.
- *(H)* Easements, existing and proposed, showing locations, widths and purposes.
- *(I)* Building setback line and dimensions.
- *(J)* Location and size of existing public utilities and drainage ways or facilities within or adjoining the proposed subdivision and the location and size of nearest water trunk mains, interceptor sewer lines and other pertinent utilities.
- *(K)* Location, type and approximate size of utility improvements to be installed.
- *(L)* Tract boundary lines showing dimensions, bearings, angles and references to known land lines.
- *(M)* The gross area and net area acreage of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use.
- *(N)* Where the topography has a significant bearing upon the street grades, the plan of public utilities and drainage ways or facilities in the proposed subdivision and when it would be difficult for the Plan Commission or the City Council to understand the relation of the Plan to the existing topographic conditions, contour lines at not greater than **two (2) foot** intervals shall be shown. Contour lines shall be shown for all hillside areas and other areas of significant slope.
- *(O)* Location of major water courses, ponding areas, natural drainage ways and flood hazard areas.
The Preliminary Plan shall be drawn to a scale of not greater than one hundred feet to one inch (100’ = 1”), provided, however, that if the resulting drawing would be over forty-two (42) inches square, a scale of up to two hundred feet to one inch (200’ = 1”) may be used.

North arrow and date.

Whenever a large tract is intended to be developed in stages, and only part of that tract is to be submitted for Final Plat approval, a Preliminary Plat for subdivision of the entire tract shall be submitted.

34-2-7 DIGITAL FORMAT REQUIRED. The following guidelines shall be established and administered for future development in the City.

(A) All subdivision plats, engineering plans and as-built plans submitted to the City shall be in a digital format compatible with the City’s Geographic Information System (GIS) and in accordance with the Subdivision Code. Adhering to the same standards and certifications of the paper plots in the Code.

(B) The data shall be provided on one of the following types: 3.5” (inch) floppy disk, CD ROM or 100 MB Zip disk (PC format). Paper plat submissions shall follow the Subdivision Code.

(C) The digital files shall be in the Illinois State Plane Coordinate System (ISPCS), West Zone, NAD83 datum FIPZONE 1202, as defined in Illinois Coordinate Systems Act 765 ILCS 225/7.

(D) In addition to Section 34-2-6, the digital submission shall delineate on the survey all geodetic stations, azimuths, angles and distances used for establishing the survey connection to the development.

(E) All digital submissions shall adhere to the City GIS/CAD layering specification.

(F) Monuments. Monuments shall adhere to the State of Illinois Specification found in Part 1270 of the Illinois Professional Land Survey Act of 1989. Specifically Section 1270.56.b.5. Monuments shall be installed following completion of all improvements and shall be identified on the final plat.

(G) Benchmarks. At least two (2) permanent benchmarks shall be established within a subdivision or in each phase of a subdivision and located so that no lot is more than one thousand (1,000) feet from a benchmark. Permanent benchmarks shall be placed in the following locations:

1. In paved streets, offset from the centerline approximately halfway between the centerline and the pavement edge in a cast iron “water main valve” type box with an adjustable cover flush to the pavement.

2. In permanent open space areas or parks.

3. Other location as approved by the City Engineer or their designee.

(H) All benchmarks shall be identified on the final plat (paper and digital copies) with location, elevations and reference to the source of original elevation with all pertinent data. The City will maintain files for benchmark data. (Ord. No. 1188; 10-22-01)

34-2-8 RESERVED.
DIVISION III - MINIMUM STANDARDS OF DESIGN

34-2-9 GENERAL STATEMENT. The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No Preliminary Plat shall be approved unless it conforms to the following minimum standards of design.

34-2-10 STREETS AND ALLEYS.

(A) The street and alley arrangement shall be such as to not impose undue hardship upon the owners of adjoining property when they plat their own land and seek to provide for convenient access thereto. Reserve strips controlling access to streets are prohibited, except where their control is placed with the City Council.

(B) The arrangement of rights-of-way in a subdivision shall provide for the continuation of the existing streets or rights-of-way in adjoining areas, unless the Plan Commission deems such continuation undesirable for reasons of topography or design. Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way, except that in no case shall the street or right-of-way in the subdivision be of less width than hereinafter provided.

(C) Where, in the opinion of the Plan Commission, it is desirable to provide future street access to adjoining areas, the streets and rights-of-way in the subdivision shall be extended to the property line. If deemed necessary by the Plan Commission, any temporary dead-end street shall be provided with a temporary turnaround. In no case shall access be denied to any parcel or part of a parcel of ground by the subdividing of land.

(D) Streets shall intersect, as nearly as possible, at right angles.

(E) Local street curb intersections shall be rounded by radii of at least fifteen (15) feet; intersections involving collector or arterial streets shall have radii of not less than twenty-five (25) feet.

(F) Street jogs with center line offsets of less than one hundred twenty-five (25) feet are prohibited.

(G) Unless topography indicates a need for a greater length, dead-end streets designed to be so permanently shall be no longer than five hundred (500) feet and shall terminate in a circular open space having a radius at the outside of the pavement of at least forty (40) feet and a diameter at the outside of the right-of-way of at least one hundred (100) feet.

(H) Local streets shall be designed so as to discourage through traffic.

(I) No local street grade shall be in excess of ten percent (10%) and no collector street or arterial street grade shall be in excess of seven percent (7%), except as otherwise approved by the Plan Commission due to adverse topographic conditions. For adequate drainage, the minimum grade of any new street shall not be less than one-half of one percent (1/2%).

(J) The Plan Commission shall not approve streets which will be subject to frequent inundation or flooding.

(K) Alleys shall be avoided in a single-family and two-family district, except as required by this Section, however, may be required in multiple-family districts and commercial or industrial districts, unless other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent and adequate for the use proposed.
Dead-end alleys shall not be permitted, except where provided with adequate turnaround facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking.

Alleys, where provided, shall have a right-of-way of not less than twenty feet.

The minimum right-of-way of local streets, minimum including marginal access streets and cul-de-sacs, shall be fifty (50) feet.

The minimum right-of-way of secondary or collector streets shall be sixty feet.

The minimum right-of-way of arterial or primary streets shall be eighty feet.

Intersections of more than two (2) streets at one (1) point shall be avoided.

Where the subdivision abuts in or contains an existing or proposed arterial street, the Plan Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street.

Dedication of half- streets shall be discouraged, but may be permitted whenever there is no other logical method of platting. However, wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, unless otherwise permitted by the Plan Commission.

34-2-11 DRAINAGE. No plat shall be approved for any subdivision which is subject to flooding unless the plat conforms to the applicable requirements of this Code. (See Chapter 6, Article VI, "Flood Plain Code")

(A) No plat shall be approved for any subdivision or part thereof which is subject to periodic flooding or which contains inadequate drainage facilities or which makes adequate drainage of streets impossible. However, if the subdivider agrees in writing to make improvements at his expense which will, in the opinion of the Plan Commission, make the area safe for human occupancy and use further provide adequate drainage for streets, then the preliminary and final plat may be approved.

(B) The rate of storm water runoff leaving the subdivision shall not exceed what would have occurred under natural, undeveloped conditions. Storm water drainage shall be discharged to retention basins or detention basins designed to control the peak rate of discharge from the property at or below those which existed prior to development. (See Section 34-3-7(D). (Ord. No. 1319; 12-12-05)

(C) No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, rerouted or filled without written permission from the City.

(D) Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainage ways may be planned as part of a recreational trail system. Channels shall be designed to be aesthetically compatible for recreational trail use.

(E) The drainage system shall be constructed and operational during construction or as approved by the City.

(F) The natural drainage system shall be used as far as is feasible for the storage and flow of runoff.

(G) No plat shall be recorded for any subdivision situated within five hundred (500) feet of any surface drain or watercourse serving a tributary area of six hundred forty (640) acres or more, until such plan or map has been reviewed by the Department of Transportation,
either independently or in cooperation with Federal, State or local agencies, for the purpose of
determining, for the protection of persons and property, the flood hazards involved and a report
thereon filed by the Department with the County Recorder.

34-2-12  **EROSION AND SEDIMENT CONTROL.** The following standards shall be
applied in the subdivision and construction of land areas:
(A)  The development shall conform to the natural limitations presented by
topography and soil so as to create the least potential for soil erosion.
(B)  Natural plant covering shall be retained and protected so far as is
consistent with development of the site.
(C)  When soil is exposed, the exposure shall be for the shortest feasible period
of time.
(D)  Land shall be developed in increments of workable size, such that adequate
erosion and siltation controls can be provided as construction progresses. The smallest practical
area of land shall be exposed at any one period of time.
(E)  Erosion and siltation control measures shall be coordinated with the
different stages of development. Appropriate control measures shall be installed prior to
development when necessary to control erosion.
(F)  Provision shall be made to effectively accommodate the increased runoff
caused by changed soil and surface conditions during and after development.
(G)  Sediment basins, debris basins, desilting basins, or silt traps shall be
installed and maintained to remove sediment from runoff waters undergoing development.
(H)  Temporary vegetation or, where appropriate, mulching or other non-viable
cover shall be used to protect areas exposed during development.
(I)  Where the topsoil is removed, sufficient arable soil shall be set aside for
respreading over the developed area. The soil shall be restored to a depth of **four (4) inches**
and shall be of a quality at least equal to the soil quality prior to development.
(J)  Permanent final plant covering or structures shall be installed as soon as
possible.

34-2-13  **EASEMENTS.**
(A)  Easements of not less than **seven and one-half (7 1/2) feet** in width
shall be provided on each side of all rear lot lines, and alongside lot lines where necessary for
storm and sanitary sewers, gas, water, and other mains, and for electric and telephone lines or for
other public utilities. Easements of greater width may be required along or across lots when
necessary for the extension of main sewers or other utilities or where both water and sewer lines
are located in the same easement. A **two (2) foot** easement shall be required on **one (1) side**
of and adjacent to an alley to accommodate pole lines.
(B)  Adequate easements for storm water drainage shall be established along
any natural drainage channel and in such other locations as may be necessary to provide
satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivision.
The location and minimum widths of such easements shall be determined by the Administrator.
(C)  No tree, shrub or building shall be placed or erected in any easement for
utility or drainage purposes or within the right-of-way of any street, except at the owner’s risk as
to all costs for demolition, removal or reconstruction, and the proper authorities may have free
access to and use of the easements at any time.
34-2-14 **BLOCKS - CROSSWALKS.**

(A) No block shall be longer than **one thousand eight hundred (1,800) feet** or less than **five hundred (500) feet** in length, except where the continuity of the existing neighborhood would be disrupted.

(B) All blocks, whenever it is deemed essential to provide access to schools, playgrounds, shopping centers and other community facilities, shall have a crosswalk with a right-of-way of at least **ten (10) feet** in width near the center of the block. *(See Sec. 34-3-13(B)).*

(C) The length, width, and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety and convenience.

(D) Where a subdivision adjoins an arterial or collector street, the greater dimension of the block shall generally front or back upon such arterial or collector street to avoid unnecessary ingress or egress.

34-2-15 **PARKS AND OTHER PUBLIC AREAS.**

(A) Where any area is specifically designated on the Comprehensive Plan of the City for a public park, playground, school or other public use, and is owned by the subdivider, such area shall be reserved for such use on all subdivision plans and plats; and the acquisition of such area may then be secured by the City Council or arrangements be made for its acquisition within a period not to exceed **one (1) year** from the date of approval of the final plan. The value of such lands shall be established by **three (3) qualified appraisers**; one of whom shall be appointed by the Plan Commission, one appointed by the subdivider, and one of whom shall be mutually agreed upon by the other two.

(B) Should the City Council decide to take such premises, then, in that case, it shall make arrangements to pay the subdivider the appraised value therefor as determined by the above described appraisers, or a sum that is mutually agreed upon. The City Council may accept any donation of land as above described should the subdivider desire to contribute the same to the City.

34-2-16 **UTILITIES.**

(A) Source of domestic water supply and type of sewage disposal.

(B) Storm water drainage.

(1) Complete storm sewer system, including pipe sizes, inlets and inverts.

(2) A proposed surface water drainage pattern for each individual lot, block, and street.

(C) All easements as required shall be indicated.

(D) **Protective Covenants.** An outline of all proposed protective covenants shall accompany the preliminary plan and shall include a protection against the obstruction of any surface water drainage easement.
34-2-17  LOTS.
   (A) Minimum Size. The minimum setback line in the front yard shall be twenty (20) feet; land that is under water or reserved for street improvements shall not be counted in determining compliance with requirements.  (Ord. No. 1319; 12-12-05)
   (B) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
   (C) All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines, except where a variation of this rule will provide a better street and lot design.
   (D) All remnants of lots below minimum lot area size left over after subdividing of a larger tract shall be added to adjacent lots, rather than allowing to remain as unusable land, except when designated for utility purposes or accepted for public space for park or other public uses.
   (E) Lots which cannot be served by either a public or private sanitary sewer, and/or a public water system, shall comply with the applicable provisions of this Code, or shall not be less than one (1) acre in size per lot or household unit, whichever is greater. Such lots shall have a width of not less than one hundred twenty-five (125) feet or a depth in excess of three (3) times its width, unless otherwise permitted and approved by the Plan Commission.
   (F) Lots with double frontage should be avoided where possible. Corner lots and lots with double frontage shall have extra dimension sufficient to permit the establishment of front building setback lines on the adjoining streets.
   (G) The subdividing of the land shall be such as to provide each lot with satisfactory access to public streets. The Plan Commission may require additional reservation of land to insure adequate access to prevent land locking of the adjoining territory.

34-2-18 - 34-2-19   RESERVED.

DIVISION IV - APPROVAL OF PRELIMINARY PLAN

34-2-20   CHECKLIST COMPLETED. In order to qualify for approval, the Preliminary Plan shall be accompanied by a properly executed checklist.

34-2-21   CHANGES OR REVISIONS. The Plan Commission and/or Administrator may recommend, or the City Council may require, such changes or revisions as are deemed necessary in the interests and needs of the community.
34-2-22 APPROVAL - TENTATIVE. The approval of a preliminary plan by the Plan Commission and the City Council is tentative only, involving merely the general acceptability of the layout as submitted.

34-2-23 CERTIFICATE. Approval shall consist of a certificate to that effect on the preliminary plan signed by the Chairman of the Plan Commission and by the Mayor, with the advice and consent of the City Council.
ARTICLE III - ENGINEERING PLANS

DIVISION I - PROCEDURE

34-3-1 ENGINEERING PLAN PROCEDURE. Within twelve (12) months after receiving approval of the Preliminary Plan by the City Council, there shall be submitted to the Administrator by the subdivider, four (4) copies of the engineering plans and specifications as required in Division II of this Article. The Administrator shall immediately refer two (2) copies to the Plan Commission and two (2) copies to the Mayor and shall notify the City Council of this action at the next regular City Council meeting. In the event of a special problem, the Plan Commission shall notify the owner or subdivider of the time and place at which he shall be afforded an opportunity of being heard. The Plan Commission shall make its recommendation to the City Council within forty-five (45) days after receipt of the engineering drawings and specifications. In the event of disapproval of the engineering plans and specifications by the Plan Commission, the same shall be immediately returned so marked to the Administrator for return to the subdivider, and may be refiled with the Administrator after necessary revisions are made.

34-3-2 - 34-3-3 RESERVED.

DIVISION II - MINIMUM STANDARDS OF IMPROVEMENT

34-3-4 GENERAL STATEMENT. Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type.

34-3-5 REFERENCE MONUMENTS. Permanent monuments shall be of concrete, four by four by thirty inches (4” x 4” x 30”) with a one-half (1/2) inch iron pin cast in the center, set in such a manner that they will not be moved by frost and shall be placed in the field as required by the Illinois Compiled Statutes. All lot corners shall be marked by one-half (1/2) inch iron pins not less than thirty (30) inches in length and driven into the ground and shall not protrude above the ground surface more than one and one-half (1 1/2) inches.
These monuments must be placed at all corners, at the end of all curves, at the point where a curve changes its radius, at all angle points along a meander line, the points to be not less than **twenty (20) feet** back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street or proposed future street, the monuments must be placed in the right-of-way line of the street. All internal boundaries, corners and points must be monumented in the field by like monuments as defined above.

**34-3-6 STREET IMPROVEMENTS.** All streets shall be graded as hereinafter provided:

(A) **New Streets.** All new streets, which are created and dedicated for use within a subdivision, shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to the specifications adopted by the [State of Illinois Department of Transportation](https://www.dot.state.il.us); as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

(B) **Grading Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines, and which roadway shall not be less than **twenty (20) feet** for alleys, **fifty (50) feet** for local streets, **sixty (60) feet** for collector streets, and **eighty (80) feet** for arterial streets.

(C) **Combination Concrete Curb and Gutter.** Combination concrete curb and gutter shall be built in accordance with the detail shown on Figure 3. The minimum distance from back to back of curbs shall be **eighteen (18) feet** for alleys, **thirty-six (36) feet** for local streets, **forty (40) feet** for collector streets, and **fifty-two (52) feet** for arterial streets.

(D) **Street Construction Standards.** All streets within the jurisdictional authority of the City, other than State highways, shall be improved with pavements bounded by integral concrete curbs and gutter, in accordance with the following criteria:

(1) **Specifications** are as follows:

<table>
<thead>
<tr>
<th>Street Type (Primary)</th>
<th>Pavement Dedicated Width (Back to On-Street)</th>
<th>Permitted Right-of-Way Width (Back of Curbs)</th>
<th>Max. No of Dwelling Units/Net Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Primary</td>
<td>80 feet</td>
<td>52 feet</td>
<td>Over 250 dwelling units served</td>
</tr>
</tbody>
</table>

(2) **Specifications** are as follows:

<table>
<thead>
<tr>
<th>Street Type (Primary)</th>
<th>Pavement Dedicated Width (Back to On-Street)</th>
<th>Permitted Right-of-Way Width (Back of Curbs)</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Arterial Primary</td>
<td>80 feet</td>
<td>52 feet</td>
<td>Over 250 dwelling units served</td>
</tr>
</tbody>
</table>
Pavement Permitted Max. No of Street Dedicated Width (Back to On-Street Dwelling Type Right-of-Way Width Back of Curbs) Parking Units/Net Acre

Collector
(Secondary) 60 feet 40 feet One Side 4.50/greater
Local
(Minor) 50 feet 36 feet One Side 2.0-4.50
Alley 20 feet 18 feet None N/A
Cul-de-Sac 100 feet 80 feet Both Sides N/A

(2) **Arterial street** pavement design shall be mutually agreed upon between the City and the developer, but shall not be less than the pavement design required for collector streets.

(3) **Collector Street** pavements shall consist of one of the following:
   
   (a) Portland cement concrete pavement not less than eight (8) inches in thickness constructed on top of sub-base granular material not less than four (4) inches in thickness. The concrete pavement shall be reinforced with wire mesh pavement fabric, and have tie bars at all longitudinal joints, transverse contraction and construction joints, and between the pavement and the concrete curb and gutter.

   (b) Aggregate base course not less than eight (8) inches in thickness with two (2) inches of bituminous concrete binder course and two (2) inches of bituminous concrete surface course.

   (c) Bituminous aggregate material (BAM) base course not less than six (6) inches in thickness with one and one-half (1 ½) inches of bituminous concrete binder course and one and one-half (1 ½) inches of bituminous concrete surface course.

(4) **Local Street** pavements shall consist of one of the following:

   (a) Portland cement concrete pavement not less than six (6) inches in thickness constructed on top of sub-base granular material not less than four (4) inches in thickness. The concrete pavement shall be reinforced with wire mesh pavement fabric, and have tie bars at all longitudinal joints, transverse contraction
and construction joints, and between the pavement and the concrete curb and gutter.

(b) Aggregate base course not less than **seven (7) inches** in thickness with **one and one-half (1 ½) inches** of bituminous concrete binder course and **one and one-half (1 ½) inches** of bituminous concrete surface course.

(c) Bituminous aggregate material (BAM) base course not less than **five (5) inches** in thickness with **two (2) inches** of bituminous concrete surface course.

(5) The aggregate base course or the bituminous aggregate material (BAM) base course shall be permitted to remain throughout one winter season before the bituminous surface is placed thereon. Following inspection of the base as to compaction and thickness by the administrative officer, he may, by authority in writing to the subdivider, waive the winter season waiting period. Compaction shall be based upon percent of optimum density.

(E) **Alleys.** Alleys, where permitted or required, shall be constructed with the materials and thickness specified for local streets.

(F) **Utility Lines.** Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

(G) **Improvements to Existing Streets.** Whenever any development abuts an existing street that is narrower than the standards indicated in Section 34-3-6, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at Section 34-3-6, and pay one-half (1/2) of the cost of said improvements. (Ord. No. 1319; 12-12-05)

34-3-7 **STORM SEWERS AND OTHER DRAINAGE APPURTENANCES.**

(A) **Storm Sewers.** In addition to the installation of curbs and gutters along the streets, as required by Section 34-3-6(C) of this Article, storm sewer systems shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins, and shall be connected to an adequate outfall. Such sewers shall provide for an extension to land lying within the upland drainage area, whether such land is within the subdivision or not. Storm sewers shall be designed by the rational method to satisfactorily accommodate the storm water runoff incident to the **ten (10) year** design storm, and copies of the design computations shall be submitted with the plans. Inlets shall be provided so that surface water is not carried across or round any intersection, nor for a distance of more than **six hundred (600) feet** in the gutter. The storm water
drainage system shall be separate and independent of the sanitary sewer system. Surface water drainage patterns shall be shown for each and every individual block.

(B) **Consistency with Plans/Regulations.** Drainage facilities shall be designed in conformance with all adopted local, regional, levee/sanitary district, State, and Federal plans and/or regulations.

(C) **Accommodation of Upstream Drainage Areas.** Drainage facilities large enough to accommodate potential runoff from the entire drainage area upstream from the proposed subdivision shall be provided. Potential runoff shall be determined on the basis of the maximum development of the upstream area that is permitted under the current zoning district regulations.

(D) **Retention and Detention Basins.** The rate of storm water runoff leaving the subdivision shall not exceed what would have occurred under natural, undeveloped conditions. The subdivider shall install storm water retention or detention facilities in the proposed subdivision designed to control the peak rate of discharge from the property for the **two (2) year**, 24-hour and 100-year, 24-hour storm events to discharge rates at or below those which existed prior to development. Additionally, the discharge from a storm water detention or retention facility shall not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. *(Ord. No. 1319; 12-12-05)*

**34-3-8 PUBLIC UTILITY ENGINEERING REQUIREMENTS.** All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the **Illinois Environmental Protection Agency of the State of Illinois and the Administrator**. When a proposed subdivision is reasonably accessible to a public sewer system and/or distribution system, the subdivider shall provide the subdivision with a complete sanitary sewer system and/or water distribution system to be connected to the proper public system(s).

**34-3-9 SANITARY SEWERS.**

(A) All sewer plans and installations **shall conform** to the standards and specifications set forth in **“The Standard Specifications for Water and Sewer Main Construction in Illinois”**, as established by the **Illinois Society of Professional Engineers**.

(B) Sanitary sewer lines **shall be installed** to serve all properties in the subdivision except subdivisions where individual sewage disposal systems are permitted by the City Council.

(C) Where sanitary sewer mains of larger capacity than necessary to serve the subdivision as delineated in the Preliminary Plan are required to serve the future growth in the vicinity of the subdivision, as determined by the City Council, the City shall then reimburse the subdivider for the difference in cost of the smaller size pipe and the larger size pipe. The larger size shall be determined by the City Council.
(D) Each lot in the subdivision shall be provided at the property line with a connection to the public sanitary sewer system. The construction of the sewer system shall conform to the approved plans and specifications and all work should be properly inspected and approved by the Administrator.

(E) All tap-in fees, if applicable, shall be paid in advance as prescribed in Chapter 38 of the City Code.

[NOTE: This prevents the street from being torn up after construction.]

34-3-10 WATER SYSTEM.

(A) All water main plans and installations, including all appurtenances thereto, shall conform to “The Standard Specifications for Water and Sewer Main Construction in Illinois”, as established by the Illinois Society of Professional Engineers.

(B) Water distribution facilities, including all pipe, fitting, hydrants, valves, vaults, etc., shall be installed to serve all properties within the subdivision.

(C) Where water mains of larger capacity than eight (8) inches are necessary to serve the subdivision as delineated in the Preliminary Plan are required to serve the future growth in the vicinity of the subdivision, as determined by the City Council, the City shall then reimburse the difference in cost of the smaller size and the larger size pipe. The larger size shall be determined by the City Council.

(D) The construction of the water system shall conform to the approved plans and specifications and all work shall be properly inspected and approved by the City Engineer. Water service line shall be extended to each lot in the subdivision prior to the City accepting the street(s) for maintenance.

(E) Fire hydrants shall be located and installed by the subdivider with the approval of the Fire Chief as part of the water distribution system. Installation of hydrants shall be accomplished in such a manner that each lot is within four hundred (400) feet of the fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be placed on a main smaller than six (6) inches in diameter. Hydrants installed shall be of the type approved by the Fire Chief. The mains shall be looped. Valves shall be provided at eight hundred (800) foot intervals. In addition, all water services shall be at least three-fourths (3/4) inch in diameter.

34-3-11 STREET NAMES AND SIGNS.

(A) Street Names. The names of new streets shall be sufficiently different in sound and spelling from the names of existing streets in the City to avoid confusion. A street which is planned as a continuation of an existing street shall bear the same name as the existing street.

(B) Street Name Signs. Street name signs shall be erected by the developer at all intersections within or abutting the subdivision with the approval of the Street Superintendent. Signs shall be embossed steel U.S. Standard Street Signs (or the equivalent thereof), measuring six inches by twenty-four inches (6” x 24”), with lettering at least four (4) inches high. All street name signs shall be mounted on two (2) inch diameter galvanized pipe set in concrete to a depth of at least three (3) feet and extending above the surface to a height of at least seven (7) feet.

34-3-12 PUBLIC UTILITIES: GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION.

(A) Telephone and Cable Television. All utility lines and cable television service lines shall be placed in the rear-line easements when carried on overhead poles.
34-3-13  **SIDEWALKS.**  
(A) Concrete sidewalks not less than **four (4) inches** in thickness and **four (4) feet** in width may be constructed within the street right-of-way and adjacent to the property line. 
(B) In the event a crosswalk is required in accordance with **Section 34-2-14**, a concrete sidewalk not less than **four (4) inches** in thickness and **four (4) feet** in width shall be constructed and at a grade no steeper than **fifteen percent (15%)** unless steps of adequate design are provided.

34-3-14 - 34-3-15  **RESERVED.**

**DIVISION III - APPROVAL OF DESIGN PLANS**

34-3-16  **CHECKLIST.**  In order to qualify for approval, the engineering plans shall be accompanied by a properly executed checklist.

34-3-17  **CHANGES OR REVISIONS.**  The Plan Commission may recommend or the City Council may require such changes or revisions as are deemed necessary in the interest and needs of the community.

34-3-18  **APPROVAL, TENTATIVE.**  The Plan Commission may grant approval of the total required engineering plans by approval of plans covering only a portion of the land improvements (e.g., sanitary sewers and water) so as to facilitate immediate installations. This partial approval shall consist of a certificate on the plans covering each of the required improvements signed by the Plan Commission.

34-3-19  **LETTER OF APPROVAL.**  Final approval of the complete set of engineering plans shall consist of a letter of approval from the Plan Commission, listing thereon:  
(A) Type of improvement(s) covered by the plan. 
(B) Name of designing engineer. 
(C) Date of preparation and revision, if any.
ARTICLE IV - FINAL PLATS

DIVISION I - PROCEDURE

34-4-1 SUBDIVIDER.
(A) Within six (6) months after receiving approval of the engineering plans and specifications by the Plan Commission, or a period of time beyond six (6) months that may be granted by the City Council, there shall be submitted to the Administrator by the subdivider, the original drawing, one (1) transparency print and four (4) copies of the final plat, which shall also contain all required signed certifications other than signed certificates of approval by the Plan Commission, the City Council and the Administrator. It shall contain the necessary documents as may be necessary concerning the form of guarantees or performance bond to be used. The final plat shall retain the overall characteristics of the Preliminary Plan and may include all or part of the area shown on the Preliminary Plan.

The Administrator shall refer the original drawing and two (2) copies of the final plat to the Plan Commission, and one (1) copy of the final plat to the Superintendent of Utilities, at least ten (10) days prior to their next regularly scheduled meeting for recommendation as to final approval. In the event of a special problem, the Plan Commission shall notify the owner or subdivider as to the time and place of the Plan Commission meeting at which time he will be afforded an opportunity of being heard.

(B) Plan Commission Action. The Plan Commission shall review the Final Plat and plans and transmit their report of findings and recommendations to the City Council within thirty (30) days of the filing date of the Final Plat. The action of the Plan Commission, whether approval or disapproval of the Final Plat, as well as the date of said action, shall be noted in writing and attached to the Final Plat. If the Final Plat is disapproved, the reasons why shall be so stated.

(C) City Council Action. The City Council shall take action on the Final Plat within sixty (60) days from the date of the subdivider’s filing of the last required document or other paper or within sixty (60) days from the date of the subdivider’s filing application for approval of the Final Plat, whichever date is later, unless such time is extended by written mutual consent.

(D) Disapproval. If the Final Plat is disapproved by the City Council, the reasons for such action shall be noted in writing by resolution, stating the reasons for disapproval, specifying with particularity the aspects in which the Final Plat fails to conform with the City’s ordinances.

(E) Posting Performance Bond. If the Final Plat is approved by the City Clerk, the Final Plat shall be held by the City Clerk until such time the subdivider posts a performance guarantee bond as required by Division IV of this Article.

Upon receipt of said performance guarantee or bond, the Mayor shall affix his signature to the Final Plat and attach thereto a notation that the Final Plat has received final approval of the City Council; the Clerk shall attest the signature of the Mayor and affix the seal, and attach a certified
copy of the City Council’s resolution of approval to the approved Final Plat. If such performance guarantee or bond is not posted by the subdivider within sixty (60) days from the date of approval of the Final Plat by the City Council, approval of such Final Plat shall expire and become null and void.

34-4-2 - 34-4-3 RESERVED.

DIVISION II - FINAL PLAT REQUIREMENTS

34-4-4 REQUIREMENTS - SUBDIVIDER. The Final Plat to be provided by the subdivider shall meet the following specifications:
(A) The Final Plat may include all or only a part of the Preliminary Plat which has received approval.
(B) The Final Plat shall be drawn on new linen tracing cloth, mylar or a polyester-based film with waterproof black ink to a scale of not greater than one hundred feet to one inch (100' \( = = \) 1”), provided, however, that if the resulting drawing would be over forty-two (42) inches square, a scale of up to two hundred feet to one inch (200’ \( = = \) 1”) may be used.
(C) Four (4) black or blue line prints shall be submitted with the original tracing of the Final Plat, or in order to conform to modern drafting and reproductive methods, four (4) black or blue line prints and reproducible cloth or film positives of the Final Plat shall be submitted.
Prints filed with the City shall include: One (1) black or blue line print made after recording of the Final Plat and bearing the official stamp attesting the fact of the recording; and one (1) reproducible print or film positive of the Final Plat, as approved.
(D) All dimensions shall be shown in feet and decimals of a foot and/or meters.
(E) All surveys for a Final Plat shall be made under the active and personal direction of an Illinois Professional Land Surveyor, and the following basic information shall be shown:

(1) Accurate boundary lines with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than one (1) foot in five thousand (5,000) feet.
(2) Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the Final Plat.
(3) All elevations shall be referenced to the established datum and said reference shall be clearly stated on any plans or drawings showing such datum, provided that bench marks are located within a reasonable distance.
(4) Accurate metes and bounds description of the boundary and the included area of the subdivision to the nearest one-hundredth of an acre.

(5) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract, shown by heavy solid lines.

(6) Right-of-way lines of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles.

(7) Name and right-of-way width for each street or other right-of-way.

(8) Location, dimensions and purposes of any easement, shown by light, dashed lines.

(9) Number to identify each lot or site.

(10) Purpose for which sites, other than residential lots are dedicated or reserved.

(11) Lot dimensions and areas of each lot and building setback lines and dimensions.

(12) Location, type, material and size of all monuments and lot markers.

(13) Names of owners and mortgagees accepting said Plat with owner or owners personally signing all plans.

(14) Names of owners of record of adjoining unplatted lands.

(15) Reference to recorded subdivision plats within three hundred (300) feet of adjoining platted land by record name, date and number.

(16) Restrictions of all types which will run with the land and become covenants in the deeds for lots. Restriction lines should be shown by medium, dashed lines.

(17) Title or name of subdivision; Section, Township and Range numbers in which the subdivision is located; and north arrow, scale and date.

(18) Certification as required.

(19) The City Ward in which it is located.

34-4-5 - 34-4-7 RESERVED.

DIVISION III - APPROVAL OF FINAL PLAT

34-4-8 REQUIREMENTS OF FINAL PLAT. In order to qualify for approval, the Final Plat shall be accompanied by the following:
(A) A properly executed checklist.
(B) Detailed specifications for all required land improvements other than those specifications submitted and approved with the engineering plans.
(C) A copy of the Illinois Environmental Agency’s permit for the sanitary sewer installation.
(D) A copy of the Illinois Environmental Agency’s approval for the water main installation.
(E) An affidavit executed by the owner and/or subdivider accepting the responsibility for the installation of the improvements as shown on the approved engineering plans and covered by the specifications and permits required above. This affidavit shall include a stipulation by the subdivider of the installation of all land improvements in the presence of a registered engineer.
(F) A certified estimate of cost of all required land improvements prepared by a registered engineer.
(G) A description of the bond or guarantee collateral intended to be submitted as required in Division IV.

**34-4-9 - 34-4-10 RESERVED.**

**DIVISION IV - GUARANTEES**

**34-4-11 GUARANTEES TO CITY.** After the City Council has approved the Final Plat with respect to the above qualifications, the subdivider shall be so notified by the Administrator. Final approval and signature by the Mayor and the Administrator shall be contingent upon the receipt by the City of guarantee by the owner and/or subdivider to the City for the completion of all land improvements yet remaining to be installed. Within sixty (60) days of the approval of the Final Plat, one of the following shall be completed:

(A) Deposit with the City a subdivider’s bond in the amount of the estimated cost of the land improvements; said bond need never exceed one and one-half (1 1/2) times the estimated cost of the improvements remaining to be completed; or

(B) Deposit with the City cash in the amount of the estimated cost of the land improvements; said amount of cash need never exceed one and one-half (1 1/2) times the estimated cost of the improvements remaining to be completed. Subdivider shall execute “an undertaking in lieu of a bond” provided for in Section 34-6-1 and an “irrevocable commitment” from a financial institution as provided for in Section 34-6-1; or

(C) Deposit with the City a lien to be recorded in the County Recorder’s Office on all property being subdivided, with the provision that partial release may be obtained when the loaning company executes with the City an agreement to withhold one and one-half (1 1/2) times the estimated cost of the land improvements yet remaining to be installed, in escrow, until such time as all land improvements have been completed and accepted by the City. All expenses
incurred in determining the amounts apportioned against the land and the cost of releasing each lot or tract shall be paid by the subdivider; or

(D) Deposit with the City other collateral equivalent to **one and one-half (1 1/2) times** the estimated cost of land improvements yet remaining to be installed, such collateral to be approved by the City Council.

### 34-4-12 CONSTRUCTION TIME CONSTRAINTS.

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

### 34-4-13 INSPECTION.

All required land improvements to be installed under the provisions of this Chapter shall be checked during the course of construction, by or at the direction of the Administrator or a designated representative.

The cost of any re-inspection of any required land improvement found to be faulty or not in accordance with the approved plans and specifications shall be paid by the subdivider to the City. The testing of any concrete, asphalt, soil, or other materials and workmanship shall be done at the direction of the City and at the expense of the subdivider.

### 34-4-14 RELEASE OF BOND.

The subdivider’s bond or guarantee collateral shall be released only upon fulfillment of the following conditions:

(A) The completion of all required land improvements.

(B) The submission of **four (4) copies** of acceptable “as-built” drawings of all land improvements.

(C) An affidavit to the effect that:

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

2. That the subdivider accepts responsibility for the maintenance and repair of all land improvements for **one (1) year** after the date of the acceptance resolution by the City Council.

(D) Final Acceptance, by resolution of the City Council of all land improvements.
ARTICLE V - ADMINISTRATION

34-5-1 ENFORCEMENT OFFICER - DUTIES. The Administrator referred to herein as the “Administrator” is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To review and forward preliminary and final plats to the Plan Commission;
(B) To transmit improvement plans to the City Engineer for his review;
(C) To issue stop orders as necessary when the City Engineer determines that approved improvements are being constructed in violation of this Code;
(D) To pursue actions authorized in this Code when a developer fails to complete required improvements;
(E) To evaluate and make decisions concerning proposed minor changes in approved final plats;
(F) To review and forward applications for subdivision variances to the Plan Commission;
(G) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the Plan Commission as necessary;
(H) To maintain up-to-date records of matters pertaining to this Code, including, but not limited to, preliminary plats, as-built records of completed improvements, final plats, variances, and amendments; and
(I) To provide information to subdividers/developers and to the general public on matters related to this Code.

34--5-2 SUBDIVISION VARIANCES. Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the Administrator at the same time that he files his Preliminary Plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The Administrator shall prepare an advisory report on variance application and submit it, together with the completed application to the Plan Commission.

(A) Review By Plan Commission. The Plan Commission shall review the variance application and the Administrator's comments, and submit their advisory report to the City Council, together with their recommendation on preliminary plat approval. The Plan Commission's advisory report shall be responsive to all the variances standards set forth in paragraph (B) below.

(B) Action By City Council - Variance Standards. At the same meeting at which they take action on the application for preliminary plat approval, the City Council shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefor and the exact terms of any variance granted shall be
attached to both the preliminary and final plats. The City Council shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

1. the proposed variance is consistent with the general purposes of this Code; and
2. strict application of the subdivision design and improvement requirements would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and
3. the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and
4. the plight of the applicant is due to peculiar circumstances not of his own making; and
5. the peculiar circumstances engendering the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than an amendment; and
6. the variance, if granted, will not substantially impair implementation of the City Community Plan, including the Official Map.

34-5-3 AMENDMENTS. Amendments to this Code may be proposed by the Administrator, any member of the City Council, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make to the Plan Commission.

34-5-4 ADVISORY REPORT - ACTION BY CITY COUNCIL. Within a reasonable time the Plan Commission shall submit an advisory report to the City Council. The City Council shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. The City Council may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

34-5-5 SCHEDULE OF FEES. All fees indicated in tabular form below shall be paid to the City Clerk. The fees are intended to defray the administrative costs connected with the processing/conducting of the listed item; they do not constitute a tax or other revenue-raising device. None of the below listed documents shall be accepted for filing, nor shall any inspection hereunder be performed, until such time as the corresponding fee is paid in full.

<table>
<thead>
<tr>
<th>PROCEDURE</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filing preliminary plat</td>
<td>$100.00 + $20.00/lot</td>
</tr>
<tr>
<td>Filing improvement plans</td>
<td>$250.00 + $30.00/lot</td>
</tr>
<tr>
<td>Improvement inspection</td>
<td>2.5% of est. construction cost</td>
</tr>
<tr>
<td>Filing final plat</td>
<td>$100.00 + $10.00/lot</td>
</tr>
<tr>
<td>Filing variance request</td>
<td>$100.00</td>
</tr>
<tr>
<td>Filing amendment proposal</td>
<td>$100.00</td>
</tr>
<tr>
<td>Filing minor subdivision</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

(Ord. No. 1319; 12-12-05)
34-5-6 RECORDING. The City Clerk shall not accept a Final Plat for filing with the County Recorder of Deeds unless the following conditions are met:
(A) The Final Plat conforms to all requirements specified by the City Council as conditions of approval.
(B) The Final Plat meets the design standards and engineering specifications set forth herein.
(C) The Final Plat meets all requirements of the laws of the State of Illinois.
(D) The subdivider or applicant establishes sufficient proof of his intent and ability to post a guarantee or performance bond or bonds with the City as required by Section 34-4-11 to the estimated construction cost of all improvements intended to be dedicated to the City for maintenance and operation.

No subdivision Plat or Re-plat of land within the jurisdiction of the City shall be filed for record or recorded in the Office of the County Recorder of Deeds, unless and until the approval of the City Council is endorsed thereon by the City Clerk.

No lot shall be sold for such subdivision Plat or Re-plat until it has been approved by the City Council and filed for record in the Office of the County Recorder of Deeds as herein provided.

The developer shall file the approved Final Plat and ordinance with the County Recorder of Deeds not more than thirty (30) days from the date of posting of and not prior to the posting of the performance guarantee or bond as required by Section 34-3-11 and 34-4-12; two (2) copies of such Final Plat and ordinance shall be kept on file by the City Clerk; one (1) such copy filed with the Administrator; and one (1) copy shall be returned to the subdivider.

The City Council shall not permit any public improvements under its jurisdiction to be constructed or maintained within an area that has been subdivided after the adoption of this Code unless such subdivision has been approved in accordance with the requirements contained herein.

No Building Permit shall be issued by the Administrator, City or County for the construction of any building, structure or improvement to the land or any lot within the subdivision as defined herein, until all requirements herein have been fully complied with.

34-5-7 VACATION OF PLATS. In accordance with State law, any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the City or other public entity or public utility owning such facilities, the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the City Council in the same manner as plats of subdivision and shall also be approved by the County Superintendent of Highways, the Highway Commissioner of the appropriate township, and the public utilities involved. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts. (See 765 ILCS Sec. 205/6, 205/7 and 205/8)
34-5-8 **MAINTENANCE OF IMPROVEMENTS.**

(A) The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the City or other appropriate entity.

(B) Prior to the dedication, the subdivider/developer shall post a maintenance bond with the City Clerk in the form approved by the City Attorney.

The bond shall be in the amount determined by the City Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **one (1) year** from the date of their acceptance and dedication. If at any time during the **one (1) year period**, the improvements are found to be defective, they shall be repaired/replaced at the subdivider's/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the Administrator, the City shall use the maintenance bond to make the necessary repairs/replacements.

If the cost of the repairs/replacements exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the **one (1) year period**, the maintenance bond shall be released.
ARTICLE VI - BONDS

34-6-1 CASH BOND. The Plan Commission may permit a developer to file in lieu of the surety bond called for in Article IV, Division IV, a cash bond guaranteeing that the improvements will be completed as follows:

(A) Undertaking in Lieu of Completion Bond.

WHEREAS, the statutes of the State of Illinois grant to a municipal corporation the right to require that a developer constructing certain improvements within that community guarantee the construction of such improvements by a completion bond or other security acceptable to the community; and WHEREAS, ________________ __________ desires to construct a residential development within the ________________ of ________________, and that said municipality is willing to accept an undertaking from a financial institution in the nature of an irrevocable commitment in lieu of such completion bond.

NOW, THEREFORE, are the following representations made by the owner and/or developer to the _____________________________ of ______________ ________, as follows:

1. THAT ______________ is the owner and/or developer of the property legally described in Clause 2 of this undertaking, and shall hereinafter be referred to as “OWNER”; and, THAT the ________________ of __________ __________ shall hereinafter be referred to as “MUNICIPALITY”.

2. THAT THE OWNER is the legal title holder of the following described property:

[LEGAL DESCRIPTION]

3. THAT THE OWNER shall be required to install and guarantee the installation of streets, sidewalks, street lights, sanitary sewers, storm sewers, water lines, recreational facilities (including structures), and common landscaping. In order to guarantee that such facilities shall be installed, the OWNER shall submit to the municipal engineer such specifications and estimated engineering costs as shall be required to meet with his approval. In aiding the municipal engineer in determining the amount of reasonably anticipated costs for the construction of such improvements, the OWNER may submit to the engineer signed contracts for the construction of such improvements. The municipal engineer, upon being satisfied that the design of the required improvements are in accordance with the ordinances of the MUNICIPALITY and in accordance with good engineering practices, shall estimate and certify an amount which shall represent
one hundred ten percent (110%) of the reasonably estimated cost of completing the required improvements for which the MUNICIPALITY is requiring a completion guarantee.

4. [THAT except for the issuance of building permits for a reasonable number of models], the OWNER shall not be entitled to the issuance of [further] building permits until and unless said OWNER shall submit to the MUNICIPALITY an irrevocable financial commitment from a bank, savings and loan, or mortgage company approved by the MUNICIPALITY in the amount certified by the Municipal Engineer.

5. THAT the written irrevocable financial commitment shall be issued in favor of the MUNICIPALITY from a banking or lending institution in a form to be approved by the City Council and substantially similar to the form marked Appendix “A” and appended to this agreement. (Ord. No. 1249; 06-14-04)

6. THAT the OWNER guarantees the workmanship of the public improvements to be installed upon the site for a period of one (1) year after their donation to the MUNICIPALITY. Upon final completion of the streets, sidewalks, street lights, sanitary sewers, storm sewers, and water mains, the OWNER shall execute a Bill of Sale for those items which are personal property. For a period of one (1) year after the granting of the Bill of Sale in the case of personal property, and the acceptance for maintenance in the case of streets and sidewalks, all necessary repairs to such facilities shall be the responsibility of the OWNER.

IN WITNESS WHEREOF __________________________________________

______ has hereunto set his hand and seal this ______ day of _________, 20__.

__________________________________________

(OWNER)

APPROVED by the _________ of ______________________ this _________

day of ______________________, 20__.

BY: ________________________________

(MUNICIPALITY)

(B) [Letterhead of Bank, Savings and Loan or Mortgage House]

__________________________________________, 20__
GENTLEMEN:

We hereby establish our irrevocable credit in favor of [developer], or the municipality of [location] in the amount of [amount] Dollars (______). We understand that this irrevocable credit is to be used to construct the following improvements in the residential development known as [development name] to be constructed within the [location], Illinois:

streets; sidewalks; street lights; the portion of sanitary sewers, storm sewers, and water mains to become municipality-owned; recreational facilities (including a recreational building and a swimming pool and appurtenances thereof); and landscaping in common areas.

The development is legally described as follows:

[Legal Description]

We shall make payouts from this irrevocable commitment as follows:

If we have not been notified by the municipality of a default by the owner and/or developer, we shall disburse the funds for labor and materials furnished by contractors in accordance with the sworn statement on order of the owner, the submission of proper lien waivers from the contractors engaged in such work, and the certificate by the Municipal Engineer, [his name] that such work has been properly completed, however, that we shall withhold from each payment made under such sworn statement(s) or order(s) an amount equal to ten percent (10%) thereof until all improvements have been completed except final surfacing of the streets and sidewalks, at which time the ten percent (10%) sum withheld shall be disbursed less a sum equal to one hundred twenty-five percent (125%) of the cost of the final surfacing of the streets, which sum shall be finally disbursed when the work has been completed and the requirements of certification and lien waivers as has been hereinabove set out have been met.

The required improvements shall be completed in accordance with the following schedule: [Insert Schedule]

If we receive a resolution of the corporate authorities of the municipality indicating that the owner and/or developer has failed to satisfactorily complete or carry on the work of the installation and construction of the required improvements, and such resolution indicates that the owner and/or developer has been notified that the municipality finds that a breach of the owner's and/or developer's obligations has occurred and have not been cured within a period of thirty (30) days, that in such case, we shall make payments for materials and labor to such contractor(s) or subcontractor(s) retained by the municipality who have completed the
improvements in substantial accordance with the plans and specifications of the owner and/or developer; such payments shall be made upon the certification of the municipal engineer that the work has been completed and the submission of proper waiver of liens from the contractor(s) or subcontractor(s). The amount of the payouts shall be in accordance with the retention provisions as previously set out.

The irrevocable credit established by us shall be in force for a period of _______ years, and shall remain in effect without regard to any default in payments of sums owned by us by the owner and/or developer and without regard to other claims which we may have against the owner and/or developer. **Sixty (60) days** prior to the expiration of this irrevocable credit we shall notify the corporate authorities of the municipality, by registered letter, return receipt requested, of the impending expiration date. This commitment shall not terminate without such notice. If the work covered by this commitment has not been completed within the time set forth in this agreement, the municipality may, at its option, continue drawing funds as otherwise provided for an additional period of **one (1) year**. It is recognized that the municipality is according to the owner and/or developer the permission to proceed with the development project expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the developer. The sum of this credit shall, however, be reduced in the amount of disbursements made from time to time in accordance with the terms under which this credit is extended as set out above.
CHAPTER 36
TAXATION

ARTICLE I - GENERALLY

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

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

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

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

36-1-5 I.M.R.F. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to participate in the Illinois Municipal Retirement Fund. (See 40 ILCS Sec. 5/7-132 et seq.)

36-1-6 GENERAL LIABILITY. The City Council may levy a tax upon all taxable property in the City at whatever rate is necessary to purchase general liability insurance for the City. (See 745 ILCS Sec. 10/9-107)

36-1-7 PLAYGROUND AND RECREATION TAX. The City Council may levy a "Playground and Recreation Tax" upon all taxable property in the City at a rate of .075%. (See 65 ILCS Sec. 5/11-95-7 and 5/11-95-8)
36-1-8  **CULTURAL ACTIVITIES TAX.** The City Council may levy a cultural activities tax upon all taxable property in the City at a rate not to exceed .04%. (See 65 ILCS Sec. 5/11-45-1)

36-1-9  **E.S.D.A. TAX.** The City Council may levy an E.S.D.A. tax upon all taxable property in the City at a rate of .05%; provided however, the amount collectible under this tax levy may not exceed **Twenty-Five Cents ($0.25)** per capita.
ARTICLE II – HOTEL/MOTEL TAX

36-2-1    DEFINITIONS. For the purpose of this Article, whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in this Section:

(A)    “Hotel Room” or “Motel Room” means a room within a structure offered for rental on a daily basis and containing facilities for sleeping. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

(B)    “Owner” means any person having an ownership interest in or conducting the operation of a hotel room or motel room, or receiving the consideration for the rental of such hotel room or motel room.

(C)    “Person” means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business, trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstance.

36-2-2    TAX. 

(A)    There is hereby levied and imposed a tax of five percent (5%) of the rent charged for the privilege and use of renting a hotel or motel room within the City for each twenty-four (24) hour period or any portion thereof for which a daily room charge is made; provided, however, that the tax shall not be levied and imposed upon any person who rents a hotel or motel room for more than thirty (30) consecutive days or to a person who works and lives in the same hotel or motel.

(B)    The ultimate incidence of and liability for payment of said tax is to be borne by the person who seeks the privilege of occupying the hotel or motel room, said person hereinafter referred to as “Renter”.

(C)    The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner of every hotel or motel to secure said tax from the renter of the motel or hotel room and to pay over to the City Clerk or any authorized representative of his office said tax under procedures as prescribed by the City Clerk, or as otherwise provided in this Article.

(D)    Every person required to collect the tax levied by this Article shall secure said tax from the renter at the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum of the rent given to the renter at the time of payment, the amount due under the tax provided in this Article shall be stated separately on said documents.
36-2-3 BOOKS AND RECORDS. The City Clerk, or his authorized representative, may enter the premises of any hotel or motel for inspection and examination of records in order to effectuate the proper administration of this Article, and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the City Clerk or his authorized deputy or representative in the discharge of his duties in the performance of this Article. It shall be the duty of every owner to keep accurate and complete books and records to which the City Clerk, or her authorized representative, shall at all times have full access, which records shall include a daily sheet showing: (1) the number of hotel or motel rooms rented during the twenty-four (24) hour period, including multiple rentals of the same hotel or motel rooms where such shall occur, and (2) the actual hotel or motel tax receipts collected for the date in question.

36-2-4 TRANSMITTAL OF TAX REVENUE. (A) The owner or owners of each hotel or motel room within the City shall file tax returns showing tax receipts received with respect to each hotel and motel room during each one (1) calendar month period commencing on and including March 1, and for each successive calendar month period thereafter prescribed by the City Clerk. The returns shall be due on or before the last day of the calendar month succeeding the end of the monthly filing period and the returns shall indicate for what period the return is to be filed; i.e., return for March tax receipts due on or before the last day of April.

(B) The first taxing period for the purpose of this Article shall commence on March 1, 2005, and the tax return payment for such period shall be due on or before the last day of April 2005. Thereafter, reporting period and taxes shall be paid in accordance with the provisions of this Article. At the time of filing said tax returns, the owner shall pay to the City Clerk all taxes due for the period to which the tax return applies.

(C) If for any reason any tax is not paid when due, a penalty of one and one-half percent (1.5%) per month or portion thereof from the date of delinquency shall be added and collected. In addition, a penalty of ten percent (10%) of the tax and interest due shall be assessed and collected against any hotel or motel owner who shall fail to collect and/or remit the tax imposed by this Article.

(D) Each hotel and motel owner shall fully complete and utilize the tax form as prescribed by the City Clerk’s office, in connection with payment of all taxes imposed hereunder.

36-2-5 COLLECTION. Whenever any person shall fail to pay any tax as herein provided, the City Attorney shall, upon the request of the City Clerk, Mayor, or City Council, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction, for the tax, interest, penalty and costs of collection including a reasonable attorney’s fee.
36-2-6 **PROCEEDS OF TAX AND FINES.** All proceeds resulting from the imposition of tax under this Article, including penalties, shall be placed into a fund solely to promote tourism and conventions to and within the City or otherwise attract non-resident overnight visitors to the City. The City Clerk’s office may be reimbursed for its actual expenses of administering and collecting the tax imposed herein, up to three percent (3%) of the taxes and penalties collected each year. The legal and judicial department and budget may be reimbursed for all expenses of collection and reasonable attorneys fees as awarded and paid, in any action to recover taxes or penalties or to prosecute any violations of this Article.

36-2-7 **VIOLATIONS/PENALTIES.** It shall be a violation of this Article for any owner of any motel or hotel rooms to disobey, neglect, omit, or refuse to comply with, or to resist or oppose the enforcement of any provision of this Article. In addition to any and all other penalties provided herein, any owner of any motel or hotel rooms found guilty of violating, disobeying, omitting, neglecting or refusing to pay, collect, report, and/or transmit said hotel or motel tax imposed hereunder, shall be punished by a fine of not less than **Five Hundred Dollars ($500.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**. Each day said condition exists shall constitute a separate and distinct offense punishable in the same manner. The purpose of imposing these penalties is to ensure the integrity of the collection process established herein.

36-2-8 **SEVERABILITY.** If any provision of this Article or the application thereof to any person or circumstances, is held invalid, the remainder of this Article and the application of its provisions to other persons or circumstances shall not be affected thereby.

*(Ord. No. 1274; 2005)*
ARTICLE III

ELECTRIC UTILITY TAX

36-3-1 TAX IMPOSED. A tax is imposed on all persons engaged in the following occupations or privileges:

(A) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the City and not for resale, at the rate of five percent (5%) of the gross receipts therefrom pursuant to 65 ILCS 5/8-11-2(2).

(B) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser:

<table>
<thead>
<tr>
<th>KWH Range</th>
<th>Rate (cents per KWH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 2,000 KWH</td>
<td>.5556</td>
</tr>
<tr>
<td>Next 48,000 KWH</td>
<td>.3643</td>
</tr>
<tr>
<td>Next 50,000 KWH</td>
<td>.3279</td>
</tr>
<tr>
<td>Next 400,000 KWH</td>
<td>.3188</td>
</tr>
<tr>
<td>Next 500,000 KWH</td>
<td>.3097</td>
</tr>
<tr>
<td>Next 2,000,000 KWH</td>
<td>.2915</td>
</tr>
<tr>
<td>Next 2,000,000 KWH</td>
<td>.2869</td>
</tr>
<tr>
<td>Next 5,000,000 KWH</td>
<td>.2824</td>
</tr>
<tr>
<td>Next 10,000,000 KWH</td>
<td>.2778</td>
</tr>
<tr>
<td>Over 20,000,000 KWH</td>
<td>.2732</td>
</tr>
</tbody>
</table>

The tax rates set forth in the preceding table will be used at least through December 31, 2008, are proportional to the rates enumerated in 65 ILCS 5/8-11-2 (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS 5/8-11-2 (as modified by Public Act 90-561).

(B) Pursuant to 65 ILCS 5/8-11-2, the rates set forth above shall be effective: upon approval by the Illinois Commerce Commission.

36-3-2 EXCEPTIONS. None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions
of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the City, whether privately or municipally owned or operated, or exercising the same privilege within the City.

36-3-3 ADDITIONAL TAXES. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

36-3-4 COLLECTION. The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity shall constitute a debt owed to the City by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the City in the manner prescribed by the City. Persons delivering electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the City the amount of the tax collected pursuant to this Article.
connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

36-3-6 CREDIT FOR OVER-PAYMENT. If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.

36-3-7 PENALTY. Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00) in addition, shall be liable in a civil action for the amount of tax due. (See 65 ILCS 5/8-11-2).

36-3-8 INFRASTRUCTURE FUND. One hundred percent (100%) of all revenues received hereunder shall be deposited into the Infrastructure Fund. (Ord. No. 1889; 04-10-17)

36-3-9 REVERSION. Should the use tax or electric deregulation law be successfully challenged in a court of law and invalidated in whole or in part effectively making the rate structure of Section 36-3-1(B) invalid, the City wishes to provide the necessary language to revert to a gross receipts tax on electricity upon such happening, without further action of the City. Therefore, should such circumstance arise, the following paragraph shall replace Section 36-3-1(B), (C) and (D):

“(B) Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the City and not for resale, at the rate of five percent (5%) of the gross receipts therefrom.”

36-3-10 EXEMPTION. All City of Staunton Municipal Accounts are exempt from the Municipal Utility Tax. (Ord. No. 1803; 09-14-15)

(Ord. No. 1221; 09-08-03)
ARTICLE IV  –  SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

36-4-1   DEFINITIONS.  As used in this Article, the following terms shall have the following meanings:
(A) "Amount Paid" means the amount charged to the taxpayer’s service address in such municipality regardless of where such amount is billed or paid.
(B) "Department" means the Illinois Department of Revenue.
(C) "Gross Charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. “Gross charges” for private line service shall include charges imposed at each channel termination point within a municipality that has imposed a tax under this Article, and charges for the portion of the inter-office channels provided within that municipality. Charges for that portion of the inter-office channel connecting two (2) or more channel termination points, one or more of which is located within the jurisdictional boundary of such municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, “gross charge” shall not include any of the following:
(1) any amounts added to a purchaser’s bill because of a charge made pursuant to:
   (a) the tax imposed by this Section,
   (b) the tax imposed by the Telecommunications Excise Tax Act,
   (c) the tax imposed by Section 4251 of the Internal Revenue Code,
   (d) 911 surcharges, or
   (e) charges added to customers’ bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers’ bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act;
(2) charges for a sent collect telecommunication received outside of such municipality;
(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

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

(8) charges paid by inserting coins in coin-operated telecommunication devices; or

(9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if:
    (a) those charges are aggregated with other charges for telecommunications that are taxable,
    (b) those charges are not separately stated on the customer bill or invoice, and
(c) the retailer can reasonably identify the nontaxable charges on the retailer books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(D) “Interstate Telecommunications” means all telecommunications that either originate or terminate outside this State.

(E) “Intrastate Telecommunications” means all telecommunications that originate and terminate within this State.

(F) “Person” means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, country, or other political subdivision of this State.

(G) “Purchase at Retail” means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) “Retailer” means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

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

(J) “Sale at Retail” means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.
(K) **Service Address** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, “service address” means the customer’s place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, “service address” shall mean the location of a taxpayer’s primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) **Taxpayer** means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Article.

(M) **Telecommunications**, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Article, “private line” means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. “Telecommunications” shall not include purchases of telecommunications by a telecommunication service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, “prepaid telephone calling arrangements” means that term as defined in Section 2-27 of the Retailer’s Occupations Tax Act.

36-4-2 **Simplified Municipal Telecommunications Tax Imposed.** A tax imposed upon any and all of the following acts or privileges:
(A) The act or privilege of originating in the City or receiving in the City intrastate telecommunications by a person at a rate of six percent (6%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

(B) The act or privilege of originating in the City or receiving in the City interstate telecommunications by a person at a rate of six percent (6%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state or multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state or municipality in this State on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state which was not previously due and paid in a municipality in this State which was not previously allowed as a credit against any other state or local tax in this State.

(C) The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the City.

36-4-3 COLLECTION OF TAX BY RETAILERS.

(A) The tax authorized by this Article shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Article shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(B) Whenever possible, the tax authorized by this Article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.
36-4-4 **RETURNS TO DEPARTMENT.** On or before the last day of February, 2006, and on or before the last day of every month thereafter, the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement the Act.

36-4-5 **RESELLERS.**

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunications tax-free when such actions in fact are not for resale, or which no longer applies because of the person’s having discontinued the making of resales.

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

36-4-6 **FUND CREATED.**

(A) There is hereby created a separate fund, located in the General Fund for the City of Staunton, Illinois, which shall hereafter be known as the “Telecommunications Tax Fund” and into which the proceeds of all revenue generated from collection of the Telecommunications Tax shall be deposited.

(B) All tax revenue currently on deposit in the City’s General Fund which have been generated from enactment of the Telecommunications Tax shall be immediately transferred to this newly created fund.

(Ord. No. 1335; 05-08-06)

(Unless Otherwise Noted Ord. No. 1299; 08-22-05)
CHAPTER 38

UTILITIES

ARTICLE I - DEPARTMENT ESTABLISHED

38-1-1 DEPARTMENT ESTABLISHED. There shall be an executive department of the City known as the Waterworks and Sewage Department. It shall include the Director of Public Works, Water and Sewer Superintendents and employees of the Department. The designated office shall be the City Hall.

38-1-2 UTILITIES COMMITTEE. The City Council standing committee on Utilities shall exercise a general supervision over the affairs of the Departments. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Departments.

38-1-3 SUPERINTENDENT. The Superintendent shall be subject to the supervision of the Utilities Committee and shall be hereinafter be referred to as the “Superintendent”. The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the City Council and shall hold office until his successor is appointed and qualified. He shall receive such salary as may be provided by the annual budget of the City Council at the time of his appointment.

38-1-4 DUTIES OF THE SUPERINTENDENT. The Superintendent shall exercise general management and control over his respective department.

(A) Water and Sewer Systems. The Superintendent of the Waterworks and Sewage System shall have charge of the Municipal water supply system and mains pertaining thereto and shall also perform the duties as sewer treatment plant operator and maintenance foreman. He shall be charged with the efficient operation of the plant and lagoons.

(B) Reports. He shall make reports to the Illinois Sanitary Water Board as it requests.

(C) Assistance to Superintendent. The Superintendent shall be allowed the assistance of Street and Alley Department employees if and when needed.

(D) Employees of the System: Supervision. All employees employed or engaged in connection with the waterworks system shall be subject to the supervision of the Superintendent of the Combined Waterworks and Sewage System, the Combined Waterworks and Sewage System Committee, and the City Council.

(E) He shall be the custodian of all vehicles, equipment, structures, and property provided by the City for the use of his department.

(F) He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(G) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the City Council.
ARTICLE II - RATES AND REGULATIONS

38-2-1  CONTRACT FOR UTILITY SERVICES.

(A) Customer Accepts Service. The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewerage system and every person, company or corporation, hereinafter called a “customer” who accepts and uses City water and sewer services shall be held to have consented to be bound thereby.

(B) Not Liable for Interrupted Service. The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefor.

(C) Using Services Without Paying. Any person using utility services from the City without paying therefor, or who shall be found tampering or breaking the seal of any meter or appurtenances, or bypassing any meter, shall be assessed a fee of Fifty Dollars ($50.00).

(D) Destroying Property. Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewerage system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Chapter 1, Article I of this Code.

(E) Service Obtained By Fraud. All contracts for water and sewer services must be made in the name of the head of the household, firm or corporation using the established spelling of that person’s or firm’s name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the City and credited to the appropriate account.

(F) Failure to Receive Bill. Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) Request to Discontinue Service. Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the City Hall, in writing, ten (10) days prior to the time such termination of such service is desired. In the event that the customer requests that service be disconnected, the service shall not be thereafter reconnected until such time as the customer has paid to the City a turn-on fee in the amount of Thirty-Five Dollars ($35.00) per service to the property. During such time as service to the property has been voluntarily terminated by the customer, the facility charge fees set forth in Section 38-4-14 shall also cease to accrue for those whole months where service has been voluntarily disconnected. Full facility charge fees shall be due for properties receiving service for any partial portion of a month. In the event that a customer requests that service be voluntarily turned off due to a leak which is being repaired by the customer, and provided that the leak is repaired within two (2) weeks of notification to the City, no turn-on fee shall be due and owing from the customer upon request to resume service. (Ord. No. 1485; 04-27-09)
(H) Water and/or sewer bills issued on a monthly basis from the City, and are due to be paid on receipt. Water and/or sewer bills not being paid in full by the fifteenth (15th) of the month following the month in which the bills are issued shall be deemed delinquent, and shall result in a penalty to be imposed on the delinquent balance in the amount of ten percent (10%) of the outstanding balance. (Ord. No. 1844; 04-25-16)

(I) The water supply of the premises against which the water service charges remain unpaid may be shut off by the City and such service discontinued conditioned on the following terms and conditions:

(1) **Hearing Afforded User.** Any user who has failed to pay in full the bill for water and/or sewer service by or before the third (3rd) of the month following the date the bill issued is declared to be delinquent. Ten (10) days after the date of delinquency of the water and/or sewer bill, if the delinquent user fails to pay all amounts owed the City for water service, the City Clerk, or his/her designee, shall cause a water shut off notice to be served upon the address of the delinquent user, which shall notify the delinquent user that water service shall be terminated three (3) days after the delivery of the water shut off notice, unless full payment for all amounts owed for water service is paid to the City, or unless the delinquent user exercises his right to a hearing by demanding a hearing as provided herein within three (3) days of the date of service as noted on the water shut off notice. An additional Thirty-Five Dollar ($35.00) administrative fee shall be added to the delinquent amount due to cover the cost to the City of drafting, recording in City records, and serving the water shut off notice upon the delinquent user, and the water shut off notice shall notify the delinquent user of the Thirty-Five Dollar ($35.00) administrative fee. If the delinquent user fails to demand a hearing in the manner provided herein within three (3) days of the date of service as noted on the water shut off notice, then the delinquent user shall be deemed to have waived his right to the hearing provided in this Section. If the delinquent user waives his right to the hearing provided in this Section, then water service shall be shut off and terminated.

(2) **Request for Hearing; Hearing.**

(a) If a user chooses to dispute amount stated on the water bill, the user must make a written request for a hearing thereon within three (3) days of the date of service of the water shut off notice. This request for a hearing must be received by the City at the address stated on the water bill for the mailing of payment, either hand delivered or by U.S. mail. The user may make a partial payment on the bill and request a hearing on the disputed portion of the bill. Acceptance of partial payment by the City does not waive any authority of the City to pursue disconnection pending the results of a properly requested hearing.
Upon receipt of the written request for a hearing, the City Clerk shall immediately forward said request to the Utility Chairman, or his/her designee, who shall establish a date and time for the hearing. The user shall be notified in writing of the date, time and place of the hearing.

At the time and place of said hearing, the hearing officers shall give the delinquent user an opportunity to be heard and to present any and all relevant evidence including testimony on said user’s behalf. Evidence shall be limited to that relevant to the giving of proper notice and the correctness or incorrectness of the bill being challenged. As an administrative proceeding, the hearing shall not be subject to the strict rules of evidence followed in the circuit courts. The records of payment for said water service by the user, as provided and given to the hearing officers by the offices of the City Treasurer, City Clerk and City Collector shall be prima facie evidence that said bill is due and delinquent. A record of the hearing shall be kept.

Notice of Findings of Hearing Officers. If the hearing officers, within five (5) business days after such hearing, determine that the user is, in fact, delinquent in payment of said bill for water services and that the water service of said user should be discontinued, shut off and terminated, then the officers shall state the basis or reasons for such termination in a written order of termination, and shall serve a copy of such order upon the user within five (5) days after said hearing. The order shall also state the date when the water service shall be shut off and terminated, said date to be no later than ten (10) days after the hearing date.

Payment of Bill for Water Service; Reinstatement of Service. At any time before or after the hearing is held; at any time before or after notice of termination is served on the user; and at any time after termination, the delinquent user shall have the right to have said water service reinstated upon payment in full of the delinquent bill, including the water shut off notice administrative fee, plus the Thirty-Five Dollar ($35.00) water connection fee, plus penalties, interest, and any necessary costs assessed for the conduct of the hearing and for labor and materials necessarily required to terminate and reinstate the water service of the user.

Hearing Officers. The hearing officers shall be the Utility Chairman and the members of the Utility Committee. Provided, however, that the Utility Chairman may conduct the hearing and issue a finding and order without the presence of all members of the Utility Committee.

Proper Notice. Any notices required to be given under this Section shall be proper if addressed to the user at the address stated on the application for service or water billing account,
postage prepaid and deposited in the U.S. Mail or hand delivered to the address stated on said application or water billing account, or if hand delivered and fastened to a door of the residence. The City Clerk shall certify to the Hearing Officers the proper mailing or delivery of the required notice and such certification shall be prima facie evidence of the serving of such notice as of the date of deposit in the U.S. Mail.

(Ord. No. 1586A; 06-27-11)

(J) **Lien/Foreclosure.** In the event the charges for water or sewer service are not paid within **thirty (30) days** after rendition of the bill for service, such charges including all penalties, shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies may constitute liens upon the real estate for which service is supplied, provided that the City Clerk first notifies the property owner or owners of record, as appears on the records of the County Recorder of Deeds or as appears on the records of the County Collector as those who paid property taxes for the most recent year, in writing, of the delinquency and grants the property owner an additional **ten (10) days** from the date of written notification to pay the bill in full including the appropriate penalty as provided for herein. If the delinquent bill is not paid within the time provided in the written notice of the City Clerk, then the City Clerk is authorized and directed to file a notice of such lien in the office of the Recorder of Deeds of Macoupin or Madison County, Illinois, which said notice of such lien shall consist of a sworn statement setting out the name(s) of the owner(s) of the real estate, a description of the real estate upon or for which service was supplied, the amounts of moneys due, and the date or dates when such amount or amounts became delinquent, and the filing of such statement in the aforesaid office shall be deemed notice for the payment of such charges for such service. In all cases where a lien has been recorded, a recording and legal fee of **One Hundred Fifty Dollars ($150.00)** shall be charged in addition to the delinquent water supply and/or sewer system service charge. The failure of the City Billing Clerk to record such notice of any such lien shall not affect the right of the City to foreclose the lien for unpaid water supply and/or sewer service charges or the right to pursue any other legal remedy. If the charges for service are not paid within **one hundred eighty (180) days** after rendition of the bill, the lien hereinabove provided for may be foreclosed by appropriate legal action in the Circuit Court of Macoupin or Madison County, as determined by the location of the subject property. Notwithstanding anything provided in this Section, the remedy of enforcement of the lien for the unpaid portion of water bills and delinquency charges shall not be exclusive of any other legal remedy to collect the amount due and unpaid for water consumed or furnished to the person liable therefor. (Ord. No. 1586A; 06-27-11)

(K) **Penalty.** Any person, firm, or entity violating the terms and conditions of this Section shall be subject to a fine not to exceed **Seven Hundred Fifty Dollars ($750.00)** with each and every day that the violation is allowed to exist. Each day that a violation exists constitutes a distinct and separate offense under the terms of this Section. In addition the corporate authority may take whatever action it deems appropriate to enforce the terms of this Section, including an action for injunction. All attorney's fees and costs incurred by the City in enforcing the terms of this Section shall be paid by the violator. (Ord. No. 1586A; 06-27-11)

(L) **Insufficient Funds.** A **Twenty-Five Dollar ($25.00)** fee shall be charged for any check returned to the City due to insufficient funds. Offender will be notified by first class mail and given **twenty-four (24) hours** to reimburse the City in the amount of the insufficient check and fee. If the Offender does not reimburse the City within the given
time, water service shall be terminated at the residence of the offender until City is reimbursed for full amount of insufficient check and fees. All such payments shall be accepted only if made by cash, money order or cashier’s check. *(Ord. No. 1586A; 06-27-11)*

38-2-2 **CONSUMER LISTS.** It is hereby made the duty of the Collector to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested. *(Ord. No. 1586A; 06-27-11)*

38-2-3 **LIABILITY FOR CHARGES.** The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City. *(Ord. No. 976; 11-26-90)*

38-2-4 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the previous billing cycle. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-5 **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and City Council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-6 **UTILITY DEPOSITS.** Whenever in the judgment of the Utility Chairman and members of the City Council of the Combined Waterworks and Sewage System the interest of the City requires, a deposit shall accompany each application for service to be retained by the City to ensure the payment of bills. When service to the applicant is discontinued, this deposit, less any amounts due and owing to the City for water and sewer service and associated fees and expenses, shall be refunded to the customer without interest. Such deposit shall be in the amount of Two Hundred Dollars ($200.00) paid to the City regardless of meter size. For those applications where the Utility Chairman and City Council have determined that a deposit is required, the service turn-on fee of Thirty-Five Dollars ($35.00) set forth in Section 38-2-1(G) or 38-2-1(H)(4) shall not be required to be paid by the applicant at the time the request for service is filed with City Hall, but shall be added to the customer’s first bill received thereafter. *(Ord. No. 1844; 04-25-16)*
BILLING AND REIMBURSEMENT PROCEDURES FOR PLUMBING REPAIRS.

(A) Right to Reimbursement. Private property owners may seek reimbursement from the City for plumbing repairs which are necessitated by defects in or problems with the City-owned water/sewer system by following the procedures contained in paragraph (B) herein.

(B) Procedure for Seeking Reimbursement. Upon detecting a problem, the private property owner, or the private property owner’s agent or contractor, must contact the City and allow the City to inspect the mains, laterals, and associated equipment and structures, to determine the source of the problem. The homeowner shall contact City Hall to report the problem and request an inspection. An after hours or weekend phone number will be available from City Hall for problems arising when the City Hall is closed.

The private property owner shall bear sole responsibility to any contractor or individual hired, retained, or engaged by the private property owner for payment of any and all repairs made by said contractor for repairs made to correct any plumbing problems. However, in accordance with the provisions of this Section, a private property owner may submit bills incurred to the City for review and potential reimbursement. The City will, in its sole discretion, based upon its inspection, determine the City’s percentage of responsibility, if any, for the plumbing problem and reimburse the property owner accordingly the reasonable value of the services rendered and equipment utilized to perform said repairs to City owned equipment. Under no circumstance shall any request for reimbursement be considered by City for any property if the City was not contacted prior to the repairs being made, and allowed the opportunity to be present and document the nature and extent of the repairs. Failure to follow these procedures will result in a denial of any claim for reimbursement. (Ord. No. 1474; 03-23-09)
ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the City shall file a written application at the City Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application.

38-3-2 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed outside, as close to the property line as possible, as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water and Sewer Committee. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with. Initial radio read water meter and lid will be required for all new construction and shall be charged at the current rate to the property owner at the time water permit is obtained. Replacement meters will be provided by the City except for meters in excess of three-fourths (3/4) inch shall be the property owner’s expense and shall be approved by the Superintendent. (Ord. No. 1223A; 04-12-04)

38-3-3 INSPECTION.

(A) Access to Premises. The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the City or the supply or fixtures of other consumers.

(B) Meters to be Open to Inspection. All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the City shall be open to the inspection of the proper officers and employees of the City at all reasonable hours.

38-3-4 METER DAMAGED. Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.
38-3-5 **DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present City Waterworks System and all use or service of the system shall be upon the express condition that the City will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

38-3-6 **RESALE.** No water shall be resold or distributed by the recipient or consumer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in cases of emergency.

38-3-7 **DISCONTINUING SERVICE - DANGEROUS USAGE.** The City shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the City or, at its option, the City may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-8 **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the City.

The City shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected **five (5) days** after notice, the City, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-9 **WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the City Waterworks System for building or construction purposes shall make application therefor to the Superintendent of the Water and Sewer Department on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Superintendent of the Water and Sewer Department.
38-3-10  **FIRE HYDRANTS.**

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the City Limits, shall be owned, maintained and used only by the City and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the City and after approved application to the City.

(B) The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the City Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the City Limits owned by the City shall be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

38-3-11  **LIMITED WATER USAGE IN EMERGENCIES.**

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the City water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

(1) the washing of cars and other vehicles;
(2) the sprinkling of lawns and shrubbery;
(3) the watering of gardens;
(4) other nonessential uses;

and it shall be unlawful for any person to so use water from the City supply during such an emergency.

38-3-12  **SHORTAGE AND PURITY OF SUPPLY.** The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-13  **NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the City shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the City will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.
38-3-14 **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the City and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the City Council.

38-3-15 **USE OF WATER ON CONSUMER’S PREMISES.** The City shall reserve the right to use the water from the consumer’s facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the City for the water used by the City.

38-3-16 **REMOVAL OF METERS.** All meters shall remain the property of the department and may be removed from the customer’s premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

38-3-17 **RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the City, subject thereto and bound thereby.

38-3-18 **INSTALLING AND MAINTAINING SERVICE LINES.** The City shall be responsible for installation and maintenance of service lines between the meter and the water main. The user shall be responsible for installation and maintenance of service lines between the meter and the user’s residence. The City shall further be responsible for installation and maintenance of meter pits, setters, yokes, backflow prevention devices and related equipment. Service lines must be at least three-fourths (3/4) inch in diameter, and must be installed at a minimum depth of three (3) feet. Service lines shall have a minimum working pressure rating of 160 psi at 73.4 degrees F and shall be constructed of Copper (Type K) or Plastic (AWWA C901) or equivalent or better standard. Service lines shall not be covered until they are inspected and approved by the Public Works Director or his designee.

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency’s rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter. **(Ord. No. 1617; 02-27-12)**

38-3-19 **REPAIRS AND REPLACEMENT OF METERS.** The City shall be responsible for maintaining, replacing, and upgrading all water meters on the City’s system, not otherwise covered by separate contract provisions or agreements, and located within City’s then existing corporate boundaries. **(Ord. No. 1816; 10-26-15)**
The Superintendent may, in case of emergency, repair any service pipe and if this is done, the cost of such repair work shall be repaid to the City by the owner of the premises served. The Superintendent of the Combined Waterworks and Sewage System shall shut off the water to allow repairs to be made whenever notice is given that such repairs are contemplated.

Repair and replacement of all meter boxes shall be the responsibility of the property owner. The owner shall have **fifteen (15) days** to repair/replace defective meter pits upon written notification by the City.

**38-3-20 CITY NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The City shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The City shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the City will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any City street improvements, the City will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

The City expressly stipulates with all its consumers and other persons that it will not insure or be responsible or liable in any manner for any losses, or damages, direct or resultant by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the City.

**38-3-21 ACCESS TO STREETS.** The City’s Waterworks Facility being the Water Department for the City, is authorized to access and use the City’s streets, alleys, and other City owned property in connection with its operations, now and in the future. *(Ord. No. 1573; 02-14-11)*

**38-3-22 RESERVED.**
DIVISION II - CROSS-CONNECTION ADMINISTRATION

38-3-23  APPROVED BACKFLOW DEVICE. All plumbing installed within the City shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-24  CROSS-CONNECTION PROHIBITED; EXCEPTION. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-25  INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.

38-3-26  RIGHT TO ENTER PREMISES. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

38-3-27  NOTICE TO CUSTOMER; RECONNECT FEE. (A) The City Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in
violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars ($100.00)** is paid to the City Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Inspector is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Inspector or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) The public water supply, the Inspector or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer’s water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

**38-3-28 CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**38-3-29 - 38-3-30 RESERVED.**
DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-31 PURPOSE. The purpose of these Rules and Regulations is:

(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

38-3-32 APPLICATION. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the City.

38-3-33 RESPONSIBILITY OF OWNER. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 38-4-37(D) below for a period of at least five (5) years. The Superintendent of Water may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-34 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of these regulations:

“Fixed Proper Air Gap” means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

“Agency” means Illinois Environmental Protection Agency.

“Approved” means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.
“Auxiliary Water System” means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor’s public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

“Backflow” means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

“Backflow Prevention Device” means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

“Consumer” or “Customer” means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

“Consumer’s Water System” means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

“Contamination” means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

“Cross-Connection” means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

“Direct Cross-Connection” means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

“Indirect Cross-Connection” means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

“Double Check Valve Assembly” means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

“Health Hazard” means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

“Inspection” means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.
“Non-potable Water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five (5) feet beyond the foundation walls.

“Pollution” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

“Potable Water” means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

“Potential Cross-Connection” means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

“Process fluid(s)” means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer’s potable water system. This includes but is not limited to:

(A) polluted or contaminated waters;
(B) process waters;
(C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
(D) cooling waters;
(E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
(F) chemicals in solution or suspension;
(G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

“Public Water Supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".
“Reduced Pressure Principle Backflow Prevention Device” means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

“Service Connection” means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

“Survey” means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

“System Hazard” means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

“Used Water” means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

“Water Purveyor” means the owner or official custodian of a public water system.

38-3-35 WATER SYSTEM.
(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.
(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.
(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.
(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-36 CROSS-CONNECTION PROHIBITED.
(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when
and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-37 SURVEY AND INVESTIGATIONS.

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent 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 premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Comp. Stat., 1992, Ch. 225, Sec. 320/3.

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

4. Testing and Records

   (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

   (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Comp. Stat., Ch. 415, Sec. 5/4(e).

   (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

   (d) A maintenance log shall be maintained and include:
38-3-38 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent 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 system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water.
3. Premises having internal cross-connections that, in the judgment of the Superintendent of Water, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist.
4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
5. Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

1. Hospitals, mortuaries, clinics, nursing homes.
2. Laboratories.
3. Piers, docks, waterfront facilities.
4. Sewage treatment plants, sewage pumping stations or storm water pumping stations.
5. Food or beverages processing plants.
(6) Chemical plants.
(7) Metal plating industries.
(8) Petroleum processing or storage plants.
(9) Radioactive material processing plants or nuclear reactors.
(10) Car washes.
(11) Pesticide, or herbicide or extermination plants and trucks.
(12) Farm service and fertilizer plants and trucks.

38-3-39 **TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under Section 38-3-38 of these regulations shall depend on the degree of hazard which exists as follows:

1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under Section 38-3-38 of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

1. The fire safety system contains antifreeze, fire retardant or other chemicals;

2. water is pumped into the system from another source; or

3. water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;

4. there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-40 **BACKFLOW PREVENTION DEVICES.**

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.
Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

38-3-41 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.

(3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) date of each test or visual inspection;

(2) name and approval number of person performing the test or visual inspection;

(3) test results;

(4) repairs or servicing required;

(5) repairs and date completed; and

(6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section 38-3-41(A).

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-42 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.
It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

38-3-43 VIOLATIONS AND PENALTIES.

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these Regulations and to the satisfaction of the Superintendent.

(D) Neither the City, the Superintendent, or its agents or assigns, shall be liable to any customers of the City for any injury, damages or lost revenues which may result from termination of said customer’s water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(E) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(F) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(G) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.

38-3-44 - 38-3-52 RESERVED.
DIVISION IV - EXTENSION OF MAINS

38-3-53  MAIN EXTENSION AGREEMENTS.  Upon application for water service in areas not served by a City-owned water main, the City may, with approval of the City Council, authorize the extension of the main.  Water mains extended by and paid for by the City shall require a connection (tap-on free) of One Thousand Five Hundred Dollars ($1,500.00) for each premises served.  The tap-on fee shall not apply if the water main extension is paid by the applicant.

38-3-54  EASEMENTS.  Applicants for main extensions shall deliver, without cost to the City, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto.  The City shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

38-3-55  SIZE AND TYPE.  The City reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street.  The City further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the City will pay the difference in cost.  The water main material specifications shall be as follows:

(A)  **Pipe.**  ANSI/AWWA C900 PVC, Class 150, DR18.
(B)  **Tracer Wire.**  No. 12 copper, Type THWN or equivalent.  Tracer wire shall be installed along all mains and fire hydrant branches.  The wire shall be continuous and brought into all valve boxes such that it is accessible by hand inside the valve box.  Wire shall be spliced using 3M splice kits approved for water tight, underground installation.
(C)  **Fittings.**  ANSI/AWWA C153/A21.53 Compact Ductile Iron, Cement Mortar Lined.
(D)  **Gate Valves.**  AWWA C509, Resilient seat type, Mueller, Clow, or Kennedy.
(E)  **Tapping Sleeves.**  All stainless steel tapped full circle clamp coupling.
(F)  **Service Saddles.**  All Bronze, Dual Strap type.
(G)  **Corporation Stops.**  Bronze Body with flare connection to service line.
(H)  **Service Lines.**  Three-fourths (3/4) inch minimum, Copper Tubing, Type K, Soft Temper.
(I)  **Connections to Existing Service Lines.**  Bronze Body Compression Couplings.
(J)  **Thrust Restraint.**  Provide joint restraints in lieu of blocking.  Joint restraints shall be UL listed/FM approved.  Restraints shall be designed to withstand 100 psi.
(K)  **Fire Hydrants.**  Mueller Super Centurion 200, Clow Medallion or Kennedy K81A, three way type, 5 ¼ inch end, National Standard Thread, open clockwise.
(L)  **Granular Cradle.**  All water mains and hydrant branches shall be cradled from six (6) inches below the pipe to six (6) inches above the pipe.  Granular cradle shall be state inspected sand meeting the requirements of IDOT gradation FA-6.
38-3-56  **TITLE.** Title to all main extensions shall be vested in the City and the City shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the City reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the City will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

38-3-57  **MAINTENANCE AND REPLACEMENT.** The City, at its own expense, shall maintain and when necessary, replace the City-owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the City at its expense.
ARTICLE IV - UTILITY RATES

DIVISION I - GENERAL

38-4-1 BUILDING UNIT DEFINED. In regards to all persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein, however said multi-family or individual based properties shall be divided up into separate living units, shall be deemed separate water/sewer customers, and all such apartments or homes shall be billed for one Facility Charge and treated as separate water/sewer accounts, without regard to current physical occupancy of each separate living unit. (Ord. No. 1469; 02-09-09)

38-4-2 REVENUES. All revenues and moneys derived from the operation of the water and sewer systems shall be deposited in the Combined Water and Sewage Fund. All such revenues and moneys shall be held by the Collector separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the Collector 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 City Council.

The Collector shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such systems as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the City".

The Collector shall administer such fund in every respect in the manner provided by the Illinois Compiled Statutes, Chapter 65. (See Chapter I; Art. II)

38-4-3 ACCOUNTS. The Collector shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the 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 received at the wastewater plant for the current fiscal year.
(B) Billing data to show total number of gallons billed.
(C) Debt service for the next succeeding fiscal year.
(D) Number of users connected to the system.
(E) Number of non-metered users.
(F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.
38-4-4  **NOTICE OF RATES.** A copy of this Article, properly certified by the City Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the water and sewer systems of the City on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

38-4-5  **ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

38-4-6  **APPEALS.** The method for computation of rates and service charges established for user charges in Article IV shall be made available to a user within fourteen (14) days of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within forty (40) days after notification of a formal written appeal outlining the discrepancies.  *(Ord. No. 976; 11-26-90)*

38-4-7 - 38-4-8   **RESERVED.**
DIVISION II - WATER RATES

38-4-9 SERVICE CONNECTIONS.

(A) General Requirements. No connections with a water main shall be made without a permit being issued and twenty-four (24) hours’ notice having been given to the City Clerk. All such connections shall be under the supervision of the Public Works Director, and no connection shall be covered until the work has been inspected by him. Application for permits to make such connections shall be made to the City Clerk and a fee of One Thousand Dollars ($1,000.00) for City residents and One Thousand Five Hundred Dollars ($1,500.00) for Non-City residents shall be paid for each connection to a water main, where the service line running from the main and servicing a single property shall be one (1) inch or smaller. A fee of Three Thousand Dollars ($3,000.00) for City residents and Three Thousand Two Hundred Dollars ($3,200.00) for Non-City residents shall be paid for each connection to a water main, where the service line running from the main and servicing one or more properties shall be greater than one (1) inch in diameter. The City shall, subject to and in accordance with the requirements set forth in Section 38-3-2, 38-3-18 and 38-3-19, furnish a meter for and make each connection upon payment of the fees and costs set forth herein or under Section 38-3-2. The applicant or property owner shall be responsible for all materials, costs and labor used or expended associated with installing, maintaining or repairing any service line extending out from the residence to the meter. No permits for water connection will be issued by the City to property outside the corporate limits unless the property owner executes the City’s required pre-annexation agreement, wherein, among other matters covered in such agreement, the property owner agrees to annex into the corporate limits of the City, upon request by the City, and executes a Petition to Annex. In the event that the Annexation Agreement expires before annexation shall be effected, the property owners and electors residing thereon agree to renew and enter into as many successive Annexation Agreements and Petitions to Annex as the City requires as a continued condition of receiving water from the City. Any current or future individual, entity, corporation or business receiving or seeking to receive water from the City shall, in exchange for the ability to continue to receive water from the City and as an express condition thereof, execute upon request by the City an Annexation Agreement and Petition to Annex, signed by all necessary parties, in a form and manner approved by the City in its sole discretion. Any individual, entity, business, or corporation currently receiving water who refuses to execute an Annexation Agreement and Petition to Annex as required herein shall have their ongoing City water service terminated, as the City reserves its right to refuse to supply water to any individual, entity, corporation or business located outside of the City’s corporate boundaries. (Ord. No. 1792; 09-14-15)

(B) Plumbing. No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the City or specifications for plumbing which may be established by the Council; provided, that water may be turned on for construction work in unfinished buildings subject to the provisions of this Article.

(C) Illinois Plumbing Code. All water tap and service connections made to the mains of the Waterworks System of the City shall conform to the regulations of this Code and of the Illinois Plumbing Code.

(D) Maintenance of Water Lines. The City shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the City. The City shall limit its responsibility to maintaining water mains. The
property owner shall be responsible for the service line from the main into the premises served.

(E) **Repair Inspection Fees.** No repairs or improvements to a service pipe or water main connection shall be made without a permit being issued and **twenty-four (24) hours’** notice having been given to the Public Works Director. All such connections shall be under the supervision of the Public Works Director or those individuals acting on his behalf, and no repair shall be covered until the work has been inspected by them. Application for permits to make such connections shall be made to the City Clerk. No inspection fees shall be charged for changing over the meter setter to a lockable shut off and dual check valve, unless those repairs/improvements necessitate digging in the City street, in which case the below fees apply. For any projects involving repairs or improvements to equipment and infrastructure located on the City street and which require digging in or disturbing the City Street, an inspection fee shall be paid in the amount of **One Hundred Fifty Dollars ($150.00)** for City residents and **Two Hundred Dollars ($200.00)** for Non-City residents. Undertaking of any repairs or improvements in violation of this Section shall be punishable by City issued ordinance violation, with a minimum fine of no less than **One Hundred Dollars ($100.00)** and a maximum fine of no more than **Seven Hundred Fifty Dollars ($750.00)**, or such greater amount as may hereafter be provided for by law. *(Ord. No. 1537; 05-24-10)*

38-4-10 **CONSTRUCTION REGULATIONS.**

(A) All service pipes from the mains to the premises to be served and all plumbing and service pipes on the property shall be installed by, and at the cost of, the owner of the property involved or the applicant for the service. Such installation shall be under the supervision of the Superintendent.

(B) **Pipe Specifications.** All water service pipes from the main to the meter shall be not less than **three-fourths (3/4) inch** in size. Only one (1) type of pipe shall be used to connect the meter with the mains and that is extra strong heavy K-copper alloy.

(C) All fittings shall be compression or flare type for specific pipe used. Connection shall be uniform and comply with the specifications established by the City Council. All service pipes shall be buried at least **three (3) feet** under ground. *(Ord. No. 986; 12-23-91)*

(D) All water supply lines for a plumbing system shall be of polybutylene (Blue Max 250 PSI), brass, or copper fittings. No pipe or fittings that have been used for other purposes shall be used to distributing water.

38-4-11 **WATER RATES.**

(A) Effective May 1, 2016, the rates for municipal water service shall be:

(1) **Inside Staunton City Limits.**

<table>
<thead>
<tr>
<th>Gallons</th>
<th>Rate per 1,000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 7,500</td>
<td>$6.07</td>
</tr>
<tr>
<td>Over 7,500</td>
<td>$6.95</td>
</tr>
</tbody>
</table>

(2) **Outside Staunton City Limits.**

<table>
<thead>
<tr>
<th>Gallons</th>
<th>Rate per 1,000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 7,500</td>
<td>$8.50</td>
</tr>
<tr>
<td>Over 7,500</td>
<td>$9.73</td>
</tr>
</tbody>
</table>

(3) **Bulk Rate.**

<table>
<thead>
<tr>
<th>Gallons</th>
<th>Rate per 1,000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>$12.25</td>
<td>per 1,000 gallons, or any portion thereof</td>
</tr>
</tbody>
</table>

*(Ord. No. 1844; 04-25-16)*
38-4-12 **SEWER RATES.** The rates for municipal sewer service shall be:

(A) $4.35 per 1,000 gallons inside City limits
(B) $7.70 per 1,000 gallons outside City limits

(Ord. No. 1784; 04-27-15)

38-4-13 **FACILITY CHARGE.** There is hereby imposed a Facility Charge on all consumers receiving water from Staunton. Single family residences shall be subject to the single facility charge. For commercial or residential complexes, i.e., apartments, living centers, houses divided into multi-family or tenant structures, or other similarly situated properties, all such Building Units shall be subject to Facility Charges in the below amounts, which amount shall constitute a minimum monthly charge, said charge to be imposed on the structure as a whole, and not separately imposed upon each individual consumer.

<table>
<thead>
<tr>
<th>Building Units</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$2.75</td>
</tr>
<tr>
<td>Double</td>
<td>$5.50</td>
</tr>
<tr>
<td>Triple</td>
<td>$8.25</td>
</tr>
<tr>
<td>Quad</td>
<td>$11.00</td>
</tr>
<tr>
<td>Five-Ten Building Units</td>
<td>$13.75</td>
</tr>
<tr>
<td>Eleven Building Units and Over</td>
<td>$27.50</td>
</tr>
</tbody>
</table>

(Ord. No. 1844; 04-25-16)

38-4-14 **DEBT SERVICE CHARGE.** Effective May 1, 2016, the monthly utility debt service charge on all accounts for water and sewer facilities shall be **Four Dollars ($4.00)** per month for Sanitary Sewer Facilities, which fee shall be deposited into the Sewer Fund, and **Twelve Dollars Seventy-Five Cents ($12.75)** per month for Water Facilities and Debt which shall be applied to pay the bond debts associated with the Water Treatment Plant improvement project. (Ord. No. 1844; 04-25-16)

38-4-15 **WATER METER TESTING.** Residential users of the City’s water system shall have the ability to request their meter be tested by the City should the user believe the meter is not accurately reading water supplied to the residence. Users requesting meter testing shall pay the City a fee in the amount of **Fifty Dollars ($50.00)** for the test to be performed, which fee must be paid prior to testing. The meter shall be tested by the City and in the event the meter reads within ± five percent (5%) of the standardized test meter used for comparison, the City shall retain the **Fifty Dollars ($50.00)** paid for the test and the meter shall be returned for use at the property. If the meter reads outside ± five percent (5%) of the standardized test meter, the user’s meter shall either be replaced or recalibrated and the City shall refund the **Fifty Dollar ($50.00)** test fee to the user. (Ord. No. 1864; 07-25-16)
DIVISION III

WASTEWATER SERVICE CHARGES

38-4-16 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge for operation, maintenance and replacement; depreciation, and debt reduction, and; a surcharge, if applicable.

38-4-17 BASIC USER CHARGE. The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:
   (A) A five (5) day twenty degree centigrade (20°C) biochemical oxygen demand BOD of 204 mg/l.
   (B) A suspended solids (SS) content of 240 mg/l.

   It shall consist of operation and maintenance costs plus replacement, depreciation, and debt retirement, and, shall be computed as follows:
   (1) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement, depreciation, and debt retirement fund for the year, for all work categories.
   (2) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.
   (3) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
   (4) Proportion the estimated costs to non-industrial and industrial users by Volume, Suspended Solids and BOD.
   (5) Compute costs per 1000 gal. for normal sewage strength.
   (6) Compute surcharge costs per mg/l in excess of normal sewage strength for BOD and SS.

38-4-18 SURCHARGE. A surcharge will be levied to all users whose BOD and SS exceed 204 mg/l and 240 mg/l respectively. The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 204 mg/l and 240 mg/l concentration for BOD and SS respectively. (Section 38-4-22 specifies the procedure to compute a surcharge.)

   The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.
**34-4-19 MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons.**

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the City 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 City 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 City if these volumes cannot otherwise be determined from the metered water consumption records.

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

**38-4-20 BASIC USER RATE.** There shall be and there is hereby established a facilities charge and a basic user rate for the use of and for service supplied by the Wastewater Facilities of the City.

A facilities charge of **Twelve Dollars ($12.00)** per two (2) month period shall be applied to all users within the City Corporate limits; and a facilities charge of **Twenty Dollars Forty Cents ($20.40)** per two (2) month period shall be applied to all users outside the City Corporate Limits. This facilities charge shall be for debt reduction.

A basic user rate of **Two Dollars ($2.00)** per one thousand (1,000) gallons shall be applied to all users within City Corporate limits; and a basic user rate of **Three Dollars Forty Cents ($3.40)** per one thousand (1,000) gallons shall be applied to all users outside the City Corporate limits. This charge will be divided such that **One Dollar Thirty Cents ($1.30)** is applied for operation, maintenance and replacement; the remainder collected shall be applied towards debt reduction.

**38-4-21 SURCHARGE RATE.** The rates of surcharges for BOD5 and SS shall be as follows:

\[
\begin{align*}
SC_{\text{BOD}} &= \$0.16 \times (\text{BOD}_i - 204) \times Q_i \times 8.34 \\
SC_{\text{SS}} &= \$0.13 \times (\text{SS}_i - 240) \times Q_i \times 8.34 \\
S_i &= SC_{\text{BOD}} + SC_{\text{SS}}
\end{align*}
\]

Where \( Q_i \) = total bimonthly flow volume expressed in million gallons. [Note: This section is not fully transcribed due to its length and complexity.]

\( \text{BOD}_i \) = Biochemical Oxygen Demand Concentration (5 day, 20 degrees Centigrade) of waste expressed in milligrams per liter.

\( \text{SS}_i \) = Suspended Solids Concentration of waste expressed in milligrams per liter.

\( SC_{\text{BOD}} \) = Bi-monthly surcharge in dollars for Biochemical Oxygen Demand for waste concentrations greater than 204 mg/l.

\( SC_{\text{SS}} \) = Bi-monthly surcharge in dollars for Suspended Solids for waste concentrations greater than 240 mg/l.

\( S_i \) = Total bi-monthly surcharge in dollars.
38-4-22 **COMPUTATION OF SURCHARGE.** The concentration of wastes used for computing surcharges shall be established by flow measurement and waste sampling. Waste sampling and flow measurement shall be performed as often as may be deemed necessary by the City and shall be binding as a basis for surcharges.

38-4-23 **COMPUTATION OF WASTEWATER SERVICE CHARGE.** The wastewater service charge for users within the City Corporate limits shall be computed by the following formula:

\[
CW = CF + Vu(CU + CUD) + SC_i
\]

Where
- \( CW \) = Amount of wastewater service charge per billing period.
- \( CF \) = Facilities Charge ($12.00)
- \( Vu \) = Wastewater Volume per billing period.
- \( CU \) = Basic User Rate for Operation, Maintenance and Replacement. ($1.30 per 1,000 gallons)
- \( CUD \) = Basic User Rate for Debt Reduction. ($0.40 per 1,000 gallons)
- \( SC_i \) = Amount of Surcharge. **(Section 38-4-21)**
ARTICLE V - SEWER SYSTEM

DIVISION I - DEFINITIONS

38-5-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

“GOVERNMENT, FEDERAL”.
(A) “Administrator” means the Administrator of the U.S. Environmental Protection Agency.
(C) “Federal Grant” shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

“GOVERNMENT, LOCAL”.
(A) “Approving Authority” shall mean the Superintendent of Sewage Works of the City or his authorized deputy, agent, or representative.
(B) “NPDES Permit” means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
(C) “Person” shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.
(D) “Inspector” shall mean the Superintendent or other person or persons duly authorized by the City to inspect and approve the installation of building sewers and their connection to the sanitary sewer system.

“GOVERNMENT, STATE”.
(A) “Director” means the Director of the Illinois Environmental Protection Agency.
(B) “State Act” means the Illinois Anti-Pollution Bond Act of 1970.
(C) “State Grant” shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

“CLARIFICATION OF WORD USAGE”. "Shall" is mandatory; "may" is permissible.

“SEWER TYPES AND APPURTENANCES”.
(A) “Building Drain” shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

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

"Easement" shall mean an acquired legal right for the specific use of land owned by other.

"Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve one (1) or more persons and ultimately discharge into the City sanitary sewer or combined sewer system, even though those sewers may not have been constructed with City funds.

"Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

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

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

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

"Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.

"TREATMENT":

"Pretreatment" 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" or "wastewater treatment plant" or "pollution control plant".

"TYPES OF CHARGES":

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

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

"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.

"Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Sewerage Fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.
(G) **Surcharge** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **Useful Life** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **User Charge** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **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 IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **Reserve Fund Charge** shall mean a revolving fund for expansion and construction of the sewer system.

**USER TYPES**:

(A) **Control Manhole** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the City representative to sample and/or measure discharges.

(B) **Industrial User** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **Residential User** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **User Class** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **Commercial User** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

(F) **Institutional/Governmental User** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

**WASTEWATER FACILITIES** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

**WATERCOURSE AND CONNECTIONS**:

(A) **Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(B) **Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**WASTEWATER AND ITS CHARACTERISTICS**:

(A) **BOD** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days** at **20 degrees centigrade (20°C)**, expressed in milligrams per liter.

(B) **Effluent Criteria** are defined in any applicable "NPDES Permit".
"Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

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

"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 the publicly owned treatment works that:

1. Has a flow of 50,000 gallons or more per average work day; or
2. Has a flow greater than ten percent (10%) of the flow carried by the municipal system receiving the waste; or
3. Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
4. Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

"Milligrams per Liter" (mg/l) shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"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.

"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.

"ppm" shall mean parts per million by weight.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

"Sewage" is used interchangeably with "wastewater".

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Suspended Solids" (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.
(O) **“Unpolluted Water”** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

(Q) **“Water Quality Standards”** are defined in the Water Pollution Regulations of Illinois.

38-5-2 - 38-5-3  **RESERVED.**
DIVISION II

USE OF PUBLIC SEWERS REQUIRED

38-5-4 DEPOSIT OF WASTES. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

38-5-5 SEWAGE IN NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the City, or in area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

38-5-6 PRIVATE SYSTEM, UNLAWFUL. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-5-7 CONNECTION TO SYSTEM REQUIRED. The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the nearest property line and adequate to handle the additional connection, where determined to be required.

38-5-8 - 38-5-9 RESERVED.
DIVISION III
PRIVATE SEWAGE DISPOSAL

38-5-10  PRIVATE SEWAGE SYSTEM. Where a public sanitary sewer is not available under the provisions of Section 38-5-7, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Division.

38-5-11  HEALTH DEPARTMENT APPROVAL. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the appropriate Health Department. The application for such permit shall be made on a form furnished by the City (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 of One Hundred Dollars ($100.00) shall be paid to the City at the time the application is filed.

38-5-12  PERMIT APPROVAL. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within hours of the receipt of written notice by the Superintendent.

38-5-13  COMPLIANCE WITH STATE REQUIREMENTS. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-5-14  AVAILABILITY OF 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 38-5-12, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

38-5-15  OPERATION OF PRIVATE SYSTEM. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the City.
38-5-16  **ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

38-5-17  **TIME CONSTRAINTS FOR PUBLIC SEWER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **sixty (60) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-5-18 - 38-5-20  **RESERVED.**
38-5-21 **DISTURBING SYSTEM UNLAWFUL.** No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-5-22 **COMPLIANCE WITH REGULATING AUTHORITIES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-23 **CLASSES OF PERMITS.**

(A) There shall be two (2) classes of building sewer permits as follows:

(1) Residential wastewater service inside the City shall be Five Hundred Dollars ($500.00). (Ord. No. 1259; 09-13-04)

(2) Residential wastewater service outside the City shall be Eight Hundred Dollars ($800.00). (Ord. No. 1259; 09-13-04)

(B) In either case, the owner or his agent shall make applications on a special form furnished by the City. (See Appendix) The fee per connection shall be paid to the City at the time the application is filed pursuant to Article IV; Division III of this Chapter.

(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The industry, as a condition of permit authorization, shall provide information describing its wastewater constituents, characteristics and type of activity. (Ord. No. 1002; 03-22-93)

(D) **Developers, Etc.** Where sanitary sewers are extended by the City either alone or together with real estate developers, contractors or individuals, the tap-on fee for owners of real estate who wish to avail themselves of this service shall be Two Thousand Dollars ($2,000.00) where the only expense incurred by them is the cost of laying sewers on their property.

IF taps are not made at the time when new extensions are being laid in the streets, any taps made thereafter will require the usual prevailing permit fee for street excavations in addition to the tap fee. (Ord. No. 989; 03-09-92)

38-5-24 **COST BORNE BY OWNER.** All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This Section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

38-5-25 **SEPARATE SEWER: EXCEPTION.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through
an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

38-5-26 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

38-5-27 CONSTRUCTION METHODS. The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than four (4) inches. If six (6) inch diameter pipe is used, the slope shall not be less than one-eighth (1/8) inch per foot. If four (4) inch or five (5) inch diameter pipe is used, the slope shall not be less one-fourth (1/4) inch per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewers shall be constructed of materials approved by the City. Generally all building sewers shall be constructed of the following materials:

(A) Cast or ductile iron pipe
(B) Extra strength vitrified clay pipe
(C) ABS solid wall plastic pipe (6" diameter maximum)
(D) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

All pipe joints must be gaslight and watertight and are subject to the approval of the City. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

38-5-28 PLUMBING CODE REQUIREMENTS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

38-5-29 ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 38-5-22 and discharged to the building sewer.
38-5-30 **PROHIBITED CONNECTIONS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

38-5-31 **CONNECTIONS TO SEWER MAINS.** Building sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the City, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

(B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.

(C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a **total of one-half (1/2) inch** gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

If another method is desired, a detail shall be submitted for review and approval by the City before the connection is made. Indiscriminate breaking of the sewer main pipe is not allowed.

**On Site Inspection.** After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

**Backfill.** To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewers crossing any street, or traveled alley shall be backfilled with granular backfill material.

**Concrete Encasement.** When a riser is constructed and its height is **four (4) feet** or more measured from the flowline of the sewer main to the top of the riser pipe, the wye connection shall be encased in concrete to a height of at least **one foot six inches (1’ 6”)** above the flowline of the sewer main. When the height of the riser is less than **four (4) feet** above the flowline of the sewer main, the wye connection shall be backfilled to the top of the riser pipe with carefully placed and compacted granular backfill.

38-5-32 **CAPACITY OF SEWER.** A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
38-5-33  **TAP-IN SUPERVISION AND TESTING.** The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or its representative.

At any time after the installation of the building sewer, the City may test the building sewer for violation of this ordinance.

38-5-34  **INSPECTION.** After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet City's requirements.

38-5-35  **PUBLIC SEWER CONNECTION: MAINTENANCE.**

(A) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation. The property owner shall be responsible for the maintenance of the sewer line from the sewer main into the property being served.

(B) **Repair Inspection Fees.** No repairs or improvements to a sewer line or sewer main connection shall be made without a permit being issued and twenty-four (24) hours' notice having been given to the City Collector. All such connections shall be under the supervision of the Superintendent, and no repair shall be covered until the work has been inspected by him. Application for permits to make such connections shall be made to the City Clerk and a fee of One Hundred Dollars ($100.00) for City residents and One Hundred Fifty Dollars ($150.00) for Non-City residents shall be paid for such project undertaking a repair or improvement. Undertaking of any repairs or improvements in violation of this Section shall be punishable by City issued Ordinance violation, with a minimum fine of no less than One Hundred Dollars ($100.00) and a maximum fine of no more than Seven Hundred Fifty Dollars ($750.00). (Ord. No. 1258; 09-13-04)

38-5-36  **PROTECTION OF PROPERTY.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

38-5-37  **BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the City, the applicant shall furnish a corporate surety bond in an amount one and one-half (1 1/2) times the cost of the contemplated work for which the permit is to be issued.

Any experienced sewer builder or drain layer may furnish to the City a continuing surety bond in the sum of Five Thousand Dollars ($5,000.00) to apply to all building sewer permits issued to such builder or to the principals thereof for a term of one (1) year from the date thereof subject to renewal from year to year, and such continuing bond may be accepted in behalf of the City in lieu of a special bond to cover each permit issued during the term of the bond.

Home owners wishing to install their own building services are not required to post a bond. Any person performing building sewer work for hire shall post the bond.

38-5-38  **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-5-39 - 38-5-41  **RESERVED.**
DIVISION V - EXTENSION OF COLLECTING SEwers

38-5-42 PERMIT REQUIRED; AUTHORIZED PERSONNEL. No person, not an authorized employee of the City, shall make any connection with, uncover, alter or disturb a City sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the City, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any City sewer, without first obtaining a written permit to do so from the City. A tap-in fee of Two Thousand Dollars ($2,000.00) shall be required of all applicants who wish to connect to a sewer main extension paid for by the City. If the extension is constructed and paid for by the developer etc. then the regular tap-in fee shall apply.

38-5-43 EXTENSION PERMITS. Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the City.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the City and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this ordinance and all state and federal requirements, the City shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the City. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the City, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such application in conformity with the reasons given for denial, and resubmit it to the City for further consideration.

All permits issued under this Article V shall have an expiration date of two (2) years after the date of issuance. Any sewers not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount one and one-half (1 1/2) times the cost of the contemplated work for which the permit is to be issued.

38-5-44 MATERIALS. All sewer extensions shall be constructed of the following materials:

(A) Pipe. Polyvinyl Chloride (PVC) sewer pipe shall conform to ASTM D-3034, type PSM for sizes four (4) inches to fifteen (15) inches and ASTM F-679 for sizes eighteen (18) inches to twenty-seven (27) inches. Minimum acceptable SDR shall be 35. PVC sewer pipe joints shall be solvent welded joints per ASTM D-2680 (service laterals only) or flexible elastomeric seals per ASTM D-3212.

(B) Manholes. Precast concrete conforming to ASTM C-478. Four (4) foot minimum I.D. Joints between precast sections shall be made water-tight by rubber gaskets or bitumastic material. Precast base sections shall have the flow channels precast in the section appropriate for the size and elevation of the connecting sewer lines.
(C)  **Manhole Frames and Covers.** Castings shall conform to the requirements of gray iron casting, Class No. 35 as per ASTM A-48 and AASHTO M 105. Covers shall have concealed pick holes and shall be gasketed. Frames and Covers shall have load bearing capacities appropriate for the location they are installed.

(D)  **Fittings.** Fittings for service connections shall be of the Tee-Wye type, gasketed with a six (6) inch diameter inlet for the service riser.

(E)  **Granular Cradle.** All sewer mains shall be cradled from six (6) inches below the pipe to six (6) inches above the pipe. Granular cradle shall be state inspected limestone gravel meeting the requirements of IDOT gradation CA-7.

### 38-5-45  **INSPECTIONS OF CONSTRUCTION.**

Construction of the sewers shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the City before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:

- **A lamp test** which shall provide that from one manhole to another, at least one-half (1/2) of the pipe end area shall be visible.
- **Infiltration or exfiltration test** with acceptable allowance of 200 gallons per day per inch diameter per mile;
- **Under special circumstances,** when approved by the City, air pressure testing with allowance to be specified by the City.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the City's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the City.

### 38-5-46  **MANHOLES REQUIRED.**

Manholes shall be installed at all changes in grade and/or direction and at distances not greater than four hundred (400) feet apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

### 38-5-47  **PRE-ANNEXATION AGREEMENT FOR PROPERTY OUTSIDE CITY LIMITS.** No permits for public sanitary or storm water sewer connection will be issued by the City to property outside the corporate limits unless by majority vote the City Council makes a finding that there is a substantial likelihood that such property can be annexed into the City limits and the property owner and the City enter into a pre-annexation agreement wherein, among other matters to be covered in such agreement, the property owner agrees to annex into the City limits. *(Ord. No. 822; 11-14-83)*

### 38-5-48  **RESERVED.**
DIVISION VI

USE OF PUBLIC WASTEWATER FACILITIES

38-5-49 DISCHARGE OF STORM WATER. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-5-50 STORM WATER. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer, or natural outlet.

38-5-51 REGULATIONS OF WASTES. 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, naptha, fuel oil, or other flammable or explosive liquid, solids, or gas.
   (B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
   (C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
   (D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

38-5-52 HARMFUL EFFECTS OF CERTAIN MATERIALS. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the 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 degrees Fahrenheit (150°F), (65°C).
(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of One Hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (O and 65°C).

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.

(F) Any waters or wastes containing phenols or other waste odor-producing substances, in such concentration exceeding limits which may be established by the City 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 City in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the City in compliance with applicable State and Federal regulations.

(I) Materials which exert or cause:
- unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(J) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) Any waters or wastes having a pH in excess of 9.5.

(L) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the City in compliance with applicable State and Federal regulations.

38-5-53 HARMFUL WASTES; APPROVAL.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 38-5-35 of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of
the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. reject the wastes;
2. require pretreatment to an acceptable condition for discharge; and/or;
3. require control over the quantities and rates for discharge; and/or;
4. require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 38-5-42.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, articles, and laws.

(C) The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to the issuance of final approval by the Superintendent.

(D) Where multiple process or discharges are present or contemplated at an industry, the City shall have the authority to require the owner or person to furnish and install more than one control manhole with appurtenances and/or require that all wastewater be discharged through a single control manhole or structure with appurtenances described herein.

38-5-54 GREASE AND OIL INTERCEPTORS. 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.

38-5-55 FLOW-EQUALIZING FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-5-56 INDUSTRIAL WASTES CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
38-5-57  INDUSTRIAL WASTE TESTING.

(A)  The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge.

(B)  The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents 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 City at such times and in such a manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses, and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-5-58  MEASUREMENTS AND TESTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of *IEPA Division of Laboratories Manual of Laboratory Methods*, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

38-5-59  SPECIAL ARRANGEMENTS. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. *(See Article IV - Division III of this Code)*

38-5-60 - 38-5-64  RESERVED.
DIVISION VII
INSPECTIONS

38-5-65  DAMAGE. No unauthorized person shall maliciously, willfully, or
negligently break, damage, destroy, or tamper with any structure, appurtenance, or
equipment which is part of the sewage works. Any person violating this provision shall
be subject to immediate arrest under charge of disorderly conduct.

38-5-66  INSPECTION AND TESTING.
(A) The Superintendent and other duly authorized employees of the
City, the Illinois Environmental Protection Agency, and the United States Environmental
Agency, bearing proper credentials and identification, shall be permitted to enter all
properties for the purposes of inspection, observation, measurement, sampling, and
testing in accordance with the provisions of this Code.
(B) The Superintendent or his representative shall have no authority to
inquire into any processes, including metallurgical, chemical, oil refining, ceramic,
paper, or other industries beyond that point having a direct bearing on the kind and
source of discharge to the sewers or waterway or facilities for waste treatment.

38-5-67  LIABILITY OF CITY. While performing the necessary work on
private properties referred to in Section 38-5-66 above, the Superintendent or duly
authorized employees of the City, the Illinois Environmental Protection Agency, and the
United States Environmental Protection Agency shall observe all safety rules applicable
to the premises established by the company and the company shall be held harmless
for injury or death to the City employees and the City shall indemnify the company
against liability claims and demands for personal injury or property damage asserted
against the company and growing out of the gauging and sampling operation, except as
such may be caused by negligence or failure of the company to maintain conditions as
required in Section 38-5-57.

38-5-68  PRIVATE PROPERTY INSPECTIONS. The Superintendent and
other duly authorized employees of the City bearing proper credentials and
identification shall be permitted to enter all private properties through which the City
holds a duly negotiated easement for the purposes of, but not limited to, inspection,
observation, measurement, sampling, repair, and maintenance of any portion of the
sewage works lying within the easement, shall be done in full accordance with the
terms of the duly negotiated easement pertaining to the private property involved.

38-5-69 - 38-5-70  RESERVED.
DIVISION VIII - PENALTIES

38-5-71 PENALTY. Any person found to be violating any provision of this Code except Section 38-5-65 shall be served by the City 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 City may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

38-5-72 CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the time limit provided for in Section 38-5-71 shall be, upon conviction, be fined in the amount not exceeding Seven Hundred Fifty Dollars ($750.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-5-73 LIABILITY TO CITY. Any person violating any of the provisions of this Chapter shall become liable to the City by reason of such violation.
DIVISION IX – STORM WATER UTILITY

38-5-74 STORM WATER UTILITY AND STORM WATER FUND.
(A) Establishment of a Storm Water Utility. The City hereby establishes a Storm Water Utility to provide for the management, protection, control, regulation, use, and enhancement of the storm water systems, and facilities owned or operated by the City.
(B) Storm Water Utility Management. The management and supervision of the Storm Water Utility shall be under the direction of the Public Works Director (Director).
(C) Establishment of a Storm Water Fund. The City hereby establishes a Storm Water Fund. All revenues of the Storm Water Utility shall be deposited into the Storm Water Fund and used for purposes of the Storm Water Utility as deemed appropriate by the Board of Alderman. The fund shall be an enterprise fund.

38-5-75 DEFINITIONS.
(A) City. City means the City of Staunton, a municipal corporation organized under the laws of the State of Illinois.
(B) Credit. Credit means a conditional reduction in the amount of a storm water service charge to an individual property based upon the provisions of the City of Staunton Storm Water Credit Manual as now in effect or as may be amended from time to time.
(C) Detached Single Family Residential. Detached single-family residential (DSFR) means developed land containing one dwelling structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. DSFR units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. Billing for storm water user fees is based on land usage, not zoning. Some residentially zoned properties house small businesses, resulting in a classification of non-residential property.
(D) Developed Land. Developed land means property that has been altered from its natural state by the addition of impervious area(s) equal to at least one percent (1%) of the gross area.
(E) Impervious Area or Impervious Surface. Impervious area or impervious surface means those areas that prevent or impede the infiltration of storm water into the soil. Common impervious areas include, but are not limited to rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted aggregate, and awnings.
(F) Impervious Area Units. An impervious area unit (IAU) shall be used as the basis for determining the storm water service charge to a parcel. One thousand (1,000) square feet of impervious area shall be one (1) IAU. The number of IAU’s attributed to a parcel will be determined by dividing the total impervious area (square feet) of the parcel by one thousand (1,000) and rounding the result to the nearest integer (.5 rounds up).
(G) Storm Water System. Storm water system shall mean a conveyance or system of conveyances and shall include sewers, storm drains, curbs, gutters, ditches, retention ponds or basins, dams, stream impoundments, man-made channels or storm drains, and flood control facilities and appurtenances thereof which are designed or used for the collection, control, transportation, treatment, or discharge of storm water.
38-5-76  **SCOPE OF RESPONSIBILITY FOR THE STORM WATER UTILITY.**
The Storm Water Utility shall be responsible for the operation, maintenance, management, and improvement of the storm water system owned by the City, including all activities required by the NPDES Storm Water Permit.

38-5-77  **DETERMINATION OF STORM WATER SERVICE CHARGES.** Storm water service charges shall be determined by the City Council. The revenue generated by storm water service charges, together with any other sources of revenue that may be made available to the Storm Water Utility, will be sufficient to meet the obligations of the Storm Water Utility.

38-5-78  **STORM WATER SERVICE CHARGES.**

(A) **Calculation of Charges.**

(1) Developed properties will be charged based on the number of IAU’s on the property. The charge per month will be as set forth on Addendum I attached hereto. The first month for which the charge will be imposed shall be January, 2018.

(2) The minimum storm water utility bill for a developed property will be 2.7 IAU’s.

(3) Bills will be issued to the owner(s) of each property to which the charge applies.

(4) Bills will be payable no later than **thirty (30) days** after issuance.

(5) If a multiple-unit property is invoiced in one (1) bill, the IAU charge will be exactly as calculated. If the invoice is divided among the units, and each is billed, the bill to each will be calculated by dividing the total bill by the number of units.

(B) **Additions to Property.** Whenever impervious surfaces are added to property in the City, it shall be the responsibility of the owner and adult occupants of the property to advise the City of the addition, so that adjustments may be made in the charges to such property. Such report may be made, through the building permit application, if applicable. If no building permit is obtained for such addition, the report shall be made directly to the Director of Public Works, in writing. If such report is not made, the property owner and occupant(s) shall be responsible to immediately pay the fee from the time of the addition until the time payment commences; and shall, additionally, be required to pay the fine then in effect for a violation of the City’s ordinances.

38-5-79  **EXEMPTIONS AND CREDITS.**

(A) **Exemptions Applicable to Storm Water Service Charges.** All property in the City shall be charged storm water service charges except rights-of-way owned by the City, a township, Macoupin County, the State of Illinois, the Federal Government, or a railroad.

(B) **Credits Applicable to Storm Water Service Charges.** Parcels shall be eligible to receive a storm water service charge credit based upon the requirements of the City of Staunton Storm Water Credit Manual, which is attached hereto as Addendum 1, as such
manual may be modified from time to time by the City Council. An applicant for a credit shall be required to pay the fee charged by the engineer engaged to review the application on behalf of the City.

(C) **Maintaining Credits.** Any credit allowed against the storm water service charge is conditioned upon continuing compliance with the City of Staunton Storm Water Credit Manual.

38-5-80 **APPEALS.** Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner:

(A) **Appeal to the Public Works Director.** An appeal must be filed in writing with the Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any storm water management features, such as detention ponds, or conditions which influence the hydrologic response of the property to rainfall events.

(B) **Responsibilities of the Public Works Director.** Using the information provided by the appellant, the Director shall have a qualified engineer engaged by the City conduct a technical review of the conditions on the property and provide a written report of his/her findings. The Director shall respond to the appeal, based on such report, in writing, within sixty (60) days of the receipt of the appeal. If the review reveals the customer has been overcharged for the storm water utility fee, the Public Works Department will notify the City billing department of the amount of the refund due to the customer paying the storm water utility fee. Any refund due as a result of overcharging of the storm water utility fee will be credited to the customer’s future utility bills. The maximum time frame for credit reimbursement shall be no more than six (6) months. If the review indicates the customer has been receiving a storm water utility bill that is less than the amount he should have been charged, the Public Works Department shall notify the City billing department of the increase necessary to bring the storm water utility fee to the proper amount. The City will not make any attempt to recoup the storm water utility fees previously uncollected; provided, however, that the appellant shall be responsible to reimburse the City for the cost of the engineer review undertaken pursuant to this Section.

(C) **Appeal of the Public Works Director Decision.** A decision of the Director that is adverse to an appellant may be appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. The appeal must be filed in writing with the City Council by the appellant and include a detailed explanation of the grounds for the appeal. The City Council shall issue a written decision on the appeal within sixty (60) days.

(D) **Appeal of the City Council Decision.** Any appeal of the decision of the City Council must be made pursuant to the Illinois Administrative Review Act.

(E) **Lien.** Any charge imposed on a property by this Division shall be a lien on the property with respect to which such charge is incurred, until such charge has been paid in full. Such lien shall be automatic and without further action of the City than this Division; provided that the City may, but shall not be required to, record a notice of such lien with the Recorder of Deeds for Macoupin County.

(F) **Prosecution.** Notwithstanding any other provision herein, City may elect to enforce the requirements of this Division and any violations thereof through issuance of Ordinance Violations, the penalties for which shall be subject to the City’s general penalty provision as set forth in Staunton Revised Code Section 1-1-20 et seq.

(Ord. No. 1913; 10-09-17)
ADDENDUM 1

RATES
STORM WATER FEE SCHEDULE
BASED ON TOTAL SQUARE FEET OF IMPERVIOUS SURFACE

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<tr>
<th>Total Square Feet of Impervious Surface</th>
<th>RATE</th>
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</table>
CITY OF STAUNTON

Storm Water Utility Credit Application

Address of Site: ___________________________ Date: __________________

Name of Business/Institution/Association/Property Owner: ___________________________

Contact Person: ___________________________ Phone: __________________

Address (if different from site address): ___________________________

Technical information to be supplied by the owner when filing application¹:

1. Conceptual site plan and structural control location diagram.
2. Locations, dimensions, and characteristics of all proposed and existing drainage patterns and facilities.
3. Existing and proposed grading and location of all structures, parking, driveways, and other impervious areas.
4. Detailed engineering calculations providing the results of routing the storm runoff for the one-hundred (100) year storm event through the basin or control, along with comparison to pre-development runoff rates. Total storage volume calculations and emergency spillway configuration are also required. Calculations shall be in a form acceptable to the Director of Public Works and certified by a Registered Professional Engineer.
5. Upon completion of construction, as-built data and calculations shall be in a form and from a source as noted in #4 above, and shall be submitted in order to complete the application. The as-built data must verify the capacity of the detention.

An application fee of $200.00 (check payable to the City of Staunton) must accompany each application.

I certify that the attached information is correct.

Property Owner: ___________________________ Date: __________________

Applications for Credits should be sent to:

City of Staunton
Attn: City Clerk
304 W Main Street
Staunton, IL 62088
Attn: Storm Water Utility Credit

¹The applicant may utilize the services of any licensed engineer who has experience with storm water calculations, in preparing the technical information required by this application. If the applicant wishes to engage the engineering firms of John H. Crawford & Associates, P.C., it has agreed to prepare the technical information required for $200 (which is in addition to the application fee that is payable to the City with this application).

For Office Use Only:

Date received: __________________

Fee attached: __________________
Applications for Credits should be sent to:

City of Staunton
Attn: City Clerk
304 W Main Street
Staunton, IL  62088
Attn: Storm Water Utility Credit

Enclose application fee of $200.00
Checks should be made payable to: City of Staunton

Standard Application Procedure:

Initial review of a Storm Water Utility Credit Applications will be completed within sixty (60) days of the receipt of the application form and fee payment. Application fees are one-time and non-refundable. The application forms will be checked for completeness and accuracy. Any application for credit is an acknowledgement of the indemnification statement in Chapter 2 of this document, and the City of Staunton’s right-of-entry to inspect and verify the information submitted on said application. If deficiencies are found during the review, a deficiency letter will be sent to the applicant’s contact person. Upon receipt of additional information from the applicant to constitute a complete application, the review will resume and be completed within sixty (60) days of receipt of additional information. Billing adjustments required to implement credits shall be applied retroactively to the date of the customer’s completed credit application. If an application is denied, a letter explaining reasons for the denial will be provided to the applicant.

First Year of Implementation:

To give customers the opportunity to familiarize themselves with the storm water utility billing and to investigate the process by which a credit may be obtained, any applications received during the first year (Feb, 2018 – Jan, 2019) that qualify for credit will receive the credit retroactively to the inception of the program (Feb, 2018).

Chapter 1: General Information

The City Council of the City of Staunton, Illinois adopted Ord. No. 1913 on October 9, 2017, creating a City-wide Storm Water Utility to provide storm water management activities such as public education and participation; the elimination of illicit discharges; control of construction site runoff; the operation, maintenance, and repair of the storm water system; and pollution prevention. These practices are necessary for the City to be in compliance: with EPA Storm Water Regulations.

The primary source of revenue for the Storm Water Utility is the Storm Water Utility Charge applied to all developed property in the City. Storm Water Utility Charges to a property are related to the amount of storm water runoff from the property. Since it is not feasible to
directly measure this runoff, the charge is based upon the amount of impervious area on each property. In general terms, the impervious areas are the portions or the property that shed water during a storm. Typical impervious areas include sidewalks, driveways, roofs, awnings, patios, parking lots, and compacted aggregate.

Except as noted below, each parcel in the City shall be billed and shall pay a Storm Water Utility Charge based on the number of impervious area units (IAUs) on such parcel. One thousand (1,000) square feet of impervious area is one (1) IAU. The number of IAUs attributed to a parcel will be determined by dividing the total impervious area (square feet) of the parcel by one thousand (1,000) and rounding the result to the nearest integer (.5 rounds up). Railroads and public streets and highways are not included and are not billed. Each included parcel located in the City has been studied, by a professional engineer, to determine the number of IAUs on such parcel, as of August 22, 2017. That number, applied to the rate, schedule attached to Sec. 38-5-78(A) of the City Code, shall be the storm water service charge for that particular property for each month.

If a multiple-unit property can be invoiced on one (1) bill, the service charge will be exactly as calculated. If the invoice is divided among the units, and each is billed, the minimum billing will be 2.35 IAUs per parcel.

The number of IAUs assigned to a parcel will remain constant, unless physical changes are made that alter the amount of its impervious area. In these cases, billing changes will be made automatically at the issuance of a building permit. In those circumstances where improvements have been made without a building permit, the owner of the parcel shall notify the Director of Public Works and, in any case, such changes will be billed retroactively to the date the improvement was constructed, once the Director becomes aware of such changes.

The City of Staunton has developed a system of credits for storm water service customers who construct and operate facilities or controls on their parcel to store or treat storm water runoff significantly above and beyond the level required by the City’s subdivision ordinance, thereby reducing the impact on the drainage system. This manual details the policies and procedures applicable to the storm water service charge credit program.

**Chapter 2: Credit Policies**

It is the City’s intent to allow credit for practices that significantly reduce or eliminate the negative impact of development on the drainage system through a simple but effective credit system. A parcel whose impact on the storm water drainage system is significantly reduced beyond City requirements or eliminated through specific controls shall be entitled to a credit adjustment that will be applied to such parcel’s storm water service charge. This manual details credit available to parcels that have and maintain a storm water detention facility that significantly exceeds the requirements of the City of Staunton Subdivision Code. No credit is available for exceeding minimum water quality of discharged storm water, at this time.

**A. Application Fee.**

A credit application will not be considered complete and will not be processed unless the application fee and all appropriate forms and information required in this manual are submitted with it. The credit application fee shall be **Two Hundred Dollars ($200.00)**. Application fees are one-time and non-refundable.

It is the intent of the Public Works Department to process applications within **sixty (60) days** of submittal of the complete and correct application package. Billing adjustments required to
implement credits shall be applied retroactively to the date of the customer’s completed credit application. A pending application for credit shall not constitute a valid reason for nonpayment of the current Storm Water Service Charges.

The application fee is intended to cover one detention basin/storm water mitigation facility, or a related group of detention basins within one development. Therefore, an application fee may cover more than one multi-family, commercial, or industrial lot within one development.

B. Rate Reduction Credit

The Rate Reduction Credit is available for storm water facilities that control the peak rate of storm runoff according to the following criteria:

50% Rate Reduction Credit, if no storm water runs off the parcel, up to and including the one hundred (100) year design storm.

40% Rate Reduction Credit, for those parcels that control the post-development peak rate of storm water runoff for the one hundred (100) year design storm with a release rate less than or equal to a two (2) year pre-developed runoff in accordance with the City of Staunton’s subdivision code.

20% Rate Reduction Credit, for those parcels that control the post-development peak rate of storm water runoff for the fifty (50) year design storm with a release rate less than or equal to a two (2) year pre-developed runoff in accordance with the City of Staunton’s subdivision code.

C. Application Requirements

1. The application fee must be submitted with the application.
2. The owner shall supply maintenance information, along with their application. Any association agreements or contracts for inspection and/or maintenance are required to be disclosed as part of the application. The information submitted must warrant the schedule for major maintenance that will be performed and how many times per year basic maintenance (such as erosion control and/or mowing) activities will be performed.
3. The owner shall supply the following technical information along with the application:
   a. Conceptual site plan and structural control location diagram.
   b. Locations, dimensions, and characteristics of all proposed and existing patterns and drainage facilities.
   c. Existing and proposed grading and location of all structures, parking, driveways, and other impervious areas.
   d. Detailed engineering calculations providing the results of routing the storm runoff for the one hundred (100) year storm event through the basin or control, along with comparison to pre-development runoff rates. Total storage volume calculations and emergency spillway configuration are also required. Calculations shall be in a form acceptable to the Director of Public Works and certified by a Professional Engineer licensed in Illinois.
   e. Upon completion of construction, as-built data and calculations shall be in a form and from a source as noted in “d” above, and shall be submitted in order to complete the application. The as-built data must verify the capacity of the detention or other control facility.
4. While the engineer who performed the impermeable acreage study for the City did not find there to be any existing facilities that would qualify for a credit hereunder, if an existing facility does currently exist, it will be eligible for credit, as long as it meets the requirements of this manual. In this case, the preceding information required and any other supporting material shall be submitted for review. Retrofitting of existing structures is also allowed to provide credit for a parcel. The process of retrofitting existing structures is similar to that for new developments. As-built data shall be submitted for the existing or retrofitted structure before the credit will be applied.

5. The owner shall be required to sign a statement certifying that the information contained in the application is correct and an acknowledgement that the credit determination will be based on the information submitted in the application. A later inspection determining that the information was inaccurate will result in the loss of the credit back to its inception. If the certification is blatantly false, there will be a loss of credit back to its inception and the owner shall be required to pay the fine then is effect for a violation of the City's ordinances.

D. **Maximum Credit**

The maximum aggregate credit for any individual parcel is **fifty percent (50%)** of its gross billing amount for the Storm Water Service Charge. Developments must still conform to all applicable ordinances and standards of the City of Staunton.

E. **Maintenance Requirements**

Inspection reports shall be signed and sealed by a Professional Engineer licensed in Illinois, and shall be in a form and from a source acceptable to the City’s Director of Public Works. Furthermore, these inspection reports shall be filed with the Director each year, as calculated from the original application date (or other date which may be established by the City), in order to maintain any level of Rate Reduction Credit. After two (2) consecutive years of compliance, inspection reports shall be filed every two (2) years. If a parcel owner fails to file required inspection reports or if a random City inspection finds deficiencies, the City will send a letter informing the owner of the required action to avoid revocation of the credit. If the parcel owner fails to take the required action within **sixty (60) days**, the credit will be revoked until the situation is corrected. No retroactive credits will be given during said lapse period. If the City discovers that deficiencies have existed for more than **two (2) months** and that the property owner has been receiving credit for which s/he was not entitled, there will be a retroactive adjustment reflecting the revoked credit back to the date of the last inspection. Credits will be restored on the effective date of the submittal of the property owner’s acceptable response. At a minimum, inspection reports shall include:

1. The condition of the retention or other structure.
2. Documentation that the quantity (volume) of detention has not been reduced.
3. The condition of the emergency overflow and verification that it has sufficient capacity.
4. Documentation of any signs or erosion or instability in any part of the structure and corrective action required (if necessary).

F. **Indemnification**

In consideration for permission to construct or install a storm water improvement/best management practice (BMP), and by nature of applying for a storm water fee credit, the applicant is hereby legally acknowledging and agreeing to the following:
1. After completion of the construction or installation by the Owner and approval by the City, the storm water improvement/BMP shall remain a privately owned and maintained storm water improvement/BMP. It shall not be accepted by the City, and shall not become a part of the maintenance program of the City of Staunton Storm Water Utility or the Public Works Department. All maintenance responsibility and liability shall be and remain with the owner of the parcel, their personal representatives, heirs, grantees, successors, and assigns.

2. Owners, their personal representatives, heirs, grantees, successors, and assigns shall indemnify and hold harmless the City of Staunton, its officers, agents, and employees from and against any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorney’s fees) arising out of or resulting from the construction, installation, maintenance, or operation of the storm water improvement/BMP.

G. Continuity

Storm water service charges and associated credits (if applicable) run with the real estate upon which the storm water improvement/BMP has been constructed and shall be binding upon the owner of the parcel on which they are located, their personal representatives, heirs, grantees, successors, and assigns, so long as the drainage facility and/or improvement or any part of it shall be used by them. At such time as the storm water improvement/BMP that earned the credit shall cease to be operated and maintained so as to be effective, the credit shall immediately terminate. It shall be the responsibility of the owner of the parcel at the time such improvement/BMP ceases to be operated and/or maintained to so advise the City’s Director of Public Works. If such owner fails to provide such notice, such owner shall be liable and responsible for the storm water service fee that would have applied from the date of such cessation, plus the fine then is effect for a violation of the City’s ordinances.
CHAPTER 39

WARDS

39-1-1  **ELECTION WARDS.** For the purpose of electing Alderman to the City Council and for all other pertinent purposes, the City is hereby divided into **four (4) wards** as is provided in this Section. Any reference to a ward of the City by number shall be construed to mean the territory within the boundaries described for the ward named as is hereinafter set forth.

39-1-2  **FIRST WARD.** The First Ward is hereby established as, and shall include, all the territory within the following described boundaries; beginning at the center of the intersection of Main Street and Union Street; running thence west along the center line of Main Street to the west line of Bluff Street and continuing westerly on a line which is an extension of the center line of Main Street to the west City limits; thence south along the west City limits line to a point where the same intersects with the south City limits line; thence easterly along said south City limits line to a point where the same intersects with the center line of South Union Street; thence north along the center line of South Union Street to the point of beginning.

39-1-3  **SECOND WARD.** The Second Ward is hereby established as, and shall include, all the territory within the following described boundaries; beginning at the center of the intersection of Main Street and Union Street; running thence east and northeasterly along the center line of Main Street to the point of intersection with the east City limits line; thence southerly along the east City limits line to its intersection with the south City limits line; thence west along the south City limits line to its intersection with the center line of South Union Street; thence north along the center line of South Union Street to the place of beginning.

39-1-4  **THIRD WARD.** The Third Ward is hereby established as, and shall include, all the territory within the following described boundaries; beginning at the center of the intersection of Main Street and Union Street; running thence east and northeasterly along the center line of Main Street to the point of intersection with the east City limits line; thence north along the east City limits line to its intersection with the north City limits line; thence west along the north City limits line to its intersection with the center line of North Union Street; thence south along the center line of North Union Street to the point of beginning.
39-1-5  **FOURTH WARD.** The Fourth Ward is hereby established as, and shall include, all the territory within the following described boundaries; beginning at the center of the intersection of Main Street and Union Street; running thence west along the center line of Main Street to the west line of Bluff Street and continuing westerly on a line which is an extension of the center line of Main Street to the west City limits line; thence north along the north City limits line to its intersection with the center line of North Union Street; thence south along the center line of North Union Street to the point of beginning.
40-1-1 **PURPOSE.** In accordance with State law, this Code regulates structures and land uses in order to preserve, protect, and promote the public health, safety and welfare. More specifically, this Code is intended to assist in achieving the following objectives:

(A) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents;
(B) To discourage development of buildings and uses on sites not suited for development;
(C) To protect the character and stability of sound existing residential, commercial and industrial areas;
(D) To conserve and increase the value of taxable property throughout this municipality;
(E) To ensure the provision of adequate light, air and privacy to the occupants of all buildings;
(F) To provide adequate parking and access for all buildings and lots;
(G) To reduce congestion on the public streets and highways;
(H) To protect property from damage caused by fire, or by flooding and poorly controlled storm water runoff;
(I) To guide the provision of water, sewer, storm water, and other utilities and municipal services;
(J) To reduce the initial costs and future maintenance expenses of public and private improvements and services through thoughtful planning; and
(K) To gradually eliminate existing structures and uses that impede achievement of the above objectives.

40-1-2 **SCOPE:** In order to achieve the objectives enumerated in Section 40-1-1, this Code:

(A) Divides this entire municipality into districts, and permits in each district only those structures and uses that are compatible with the character of such district;

[See Section 1-2-122 for Zoning Hearing Officer]
Regulates lots size, and the bulk, setbacks, lot coverage, and manner of use of structures;
(C) Imposes supplementary regulations to control certain potentially troublesome structures and uses;
(D) Sets forth standards for off-street parking areas;
(E) Restricts non-conforming lots, structures, and uses that adversely affect the type of development appropriate in each district; and
(F) Establishes zoning administrative and enforcement procedures.

40-1-3 JURISDICTION. This Code shall be applicable within the corporate limits of Staunton and within the unincorporated contiguous territory of Macoupin County not more than one and one-half (1 1/2) miles beyond the corporate limits.

40-1-4 ANNEXED TERRITORY. Whenever, any territory is annexed to the City, the annexed area shall retain its existing district classification until such time that an Amendment is passed in accordance with the provisions of Section 40-8-3 of this Code.

40-1-5 INTERPRETATION. Every provision of this Code shall be construed liberally in favor of this municipality, and every requirement imposed in this Code shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-6 DISCLAIMER OF LIABILITY.
(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.
(B) Any suit brought against any officer, board member, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Municipal Attorney until the final determination of the legal proceedings.

40-1-7 SEPARABILITY. If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.
ARTICLE II

DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in Section 40-2-2 unless the context clearly indicates otherwise; terms not defined in Section 40-2-2 shall have their standard English meanings.
(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
(C) Words used in the present tense shall include the future tense.
(D) Words used in the singular number shall include the plural number, and the plural the singular.
(E) The term "shall" is mandatory.
(F) The term "may" is discretionary.
(G) The term "this municipality" shall mean the City of Staunton, Illinois.
(H) The words "lots," "parcel," "tract," and "site" shall be synonymous.
(J) All distances shall be measured to the nearest integral foot; six (6) inches or more shall be deemed one (1) foot.
(K) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
(L) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-2 SELECTED DEFINITIONS.

"Abutting": As applied to lots, "abutting" means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

"Access Way": A curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.
"Accessory Use": Any structure or use that is:
   (A) Subordinate in size or purpose to the principal use or structure which it serves;
   (B) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and
   (C) Located on the same lot as the principal use or structure served.

"Adjacent": Lying near, in the vicinity of, next to, adjoining.

"Administrator": The official appointed by the Mayor with the advice and consent of the City Council to administer this Code, or his representative. (Synonymous with "Zoning Administrator.")

"Agriculture": Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

"Alley": A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

"Alter": To change the size, shape, or use of a structure.

"Amendment": A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

"Apartment": A dwelling unit situated in a multiple-family dwelling.

"Apartment Hotel": A multiple-family dwelling which furnishes for its tenants services customarily provided by hotels, but which does not furnish such services to the transient public.

"Attached": As applied to buildings, "attached" means having a common wall and/or a common roof.

"Auditorium": A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations, as well as participate in dances, dinners, expositions, bingos, etc.
“Basement”: A story having one-half (1/2) or more of its height below the average level of the adjoining ground.

“Bed and Breakfast”: Bed and breakfast shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

“Billboard”: A sign advertising a commodity, business, service, or event not available or conducted upon the premises where such sign is located or to which it is affixed.

“Block”: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

“Boarding House”: A building or portion thereof--other than a hotel, motel, or apartment hotel--containing lodging rooms for three (3) or more persons who are not members of the keeper's family, and where lodging and/or meals are provided by prearrangement and for definite periods.

“Building”: Any covered structure permanently affixed to land and designed or used to shelter persons or movable, personal property.

“Building, Enclosed”: A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

“Building Height”: The vertical distance measured from the average elevation of the proposed finish grade at the front wall of the building to the highest point of the roof.

“Building Line”: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

“Building, Principal”: A non-accessory building in which the principal use of the premises is conducted.
“**Bulk**”: Any one or any combination of the following:

(A) Size or height of structure;
(B) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
(C) Floor/area ratio;
(D) Yards or setbacks;
(E) Lot coverage.

“**Camping Trailer**”: A mobile structure designed for temporary occupancy.

“**Camping Trailer Park**”: A lot developed with facilities for accommodating temporarily occupied camping trailers.

“**Centerline**”:

(A) The centerline of any right-of-way having a uniform width;
(B) The original centerline, where a right-of-way has been widened irregularly;
(C) The new centerline, whenever a road has been relocated.

“**Certificate of Zoning Compliance, Initial**”: A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore, proceed.

“**Certificate of Zoning Compliance, Final**”: A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

“**Church**”: A building designed or used for regularly scheduled worship services.

“**Clinic**”: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

“**Club/Lodge**”: A nonprofit association or persons who are benefit members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
“Commercial Use/Establishment”: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

“Community Residence”: A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease.

“Community Residence - Large”: A community residence serving nine (9) to fifteen (15) persons with handicaps.

“Community Residence - Small”: A community residence serving eight (8) or fewer persons with handicaps in a family-like atmosphere.

“Conforming”: In compliance with the applicable provisions of this Code.

“Convenience Shop”: Any small retail commercial or service establishment offering goods/services.

“Day Care Center”: See "Nursery School."

“Deck”: An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

“Detached”: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

“Develop”: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

“District Zoning”: A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

“Driveway”: A minor way commonly providing vehicular access to a garage or parking area.
“Drive-In Restaurant or Refreshment Stand”: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

(a) Primarily intended for immediate consumption;
(b) Available after a short waiting time; and
(c) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

“Dwelling”: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, and other accommodations for the transient public. Modular dwellings on permanent foundations shall be treated in the same manner as conventionally constructed dwellings (see definition for modular and permanent foundation).

“Dwelling, Multiple-Family”: A building or portion thereof containing three (3) or more dwelling units.

“Dwelling, Single-Family”: A detached dwelling containing one dwelling unit and intended for the occupancy of one family.

“Dwelling, Two-Family”: A dwelling containing two (2) dwelling units.

“Dwelling Unit”: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

“Easement”: A right to use another person's real property for certain limited purposes.

“Enlarge”: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

“Erect”: Build, construct.

“Establishment”: Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or
(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
(1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
(2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

"Existing": Existing, constructed or in operation, on the effective date of this Code.

"Extend": To increase the amount of floor area or land area devoted to an existing use.

"Family": One (1) person, or two (2) or more persons related by blood, marriage or legal adoption; or up to four (4) unrelated persons maintaining a common household in a dwelling unit.

"Farmhouse": A detached dwelling on a tract of land of not less than ten (10) acres, and occupied by a family whose income is primarily derived from agricultural activities conducted on the premises.

"Filling Station": A building and premises or portion thereof designed and primarily used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A filling station may include secondary facilities for washing vehicles and for making minor automotive repairs.

"Floor Area, Gross": As used in determining floor/area ratios and parking requirements, the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes all of the following: basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; enclosed porches.

"Freight Terminal": A building to which freight is brought by truck, air or railroad freight cars for later distribution.

"Frontage": The lineal extent of the front (street-side) of a lot.

"Gasoline Service Station": See "Filling Station."
“Garage”: A structure designed and primarily used for the storage of motor vehicles, whether free of charge or for compensation.

“Government”: The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

“Home Occupation”: Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Code. (See Section 40-4-5.)

“Hospital”: An institution devoted primarily to the maintenance and operation of facilities around-the-clock for the diagnosis, treatment, or care for members of the general public suffering from disease, injury, or other abnormal physical conditions. The term "hospital" as used in this Code does not include institutions operating solely for the treatment of insane persons, drug addicts, and alcoholics, nor does it include convalescent or nursing homes.

“Hotel”: An establishment containing lodging accommodations designed for use by travelers or temporary guests. Facilities provided may include a general kitchen, maid service, desk service, meeting rooms, restaurants, cocktail lounges, and similar ancillary uses, but not cooking facilities in guest rooms.

“Immobilize”: As applied to a mobile home, "immobilize" means to remove the wheels, tongue and hitch and place on a permanent foundation.

“Intensify”: To increase the level or degree of.

“Intersection”: The point at which two (2) or more public rights-of-way (generally streets) meet.

“Junk Yard”: An open area of land and any accessory structures thereon that are used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition or parts thereof, and metals, glass, paper, plastics, rags, and rubber tires. A lot on which three (3) or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.
"Kennel": Any structure or premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

"Loading Space": An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

"Lot": A tract of land used or developed as a unit, under single ownership or under single control. A "lot" may or may not coincide with a "lot of record."

"Lot, Corner": A lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

"Lot, Through": A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

"Lot Area": The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

"Lot Coverage": The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

"Lot Depth": The average horizontal distance between the front lot line and the rear lot line of a lot.

"Lot Line, Front": The lot boundary abutting the street.

"Lot Line, Rear": An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.

"Lot Line, Side": Any boundary of a lot which is not a front lot line or a rear lot line.

"Lot of Record": An area of land designated as a lot on a plat of subdivision recorded or registered with the Recorder of Deeds of Macoupin County, Illinois, in accordance with State law.
“Lot Size Requirement”: Refers to the lot area, width, and depth requirements of the applicable district.

“Lot Size/Bulk Variance”: A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A lot Size/Bulk Variance goes with the property.

“Lot Width”: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots.

“Maintenance”: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

“Mini-Warehouses”: A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals for a monthly fee.

“Mobile Home”: A manufactured structure designed to permit its transport on its own wheels, containing complete kitchen and sanitary facilities, and used as a long-term dwelling by one (1) family. A mobile home is built on a permanent chassis that consists of the wheel assembly, undercarriage and towing hitch assembly. Mobile homes must be built according to the Federal Mobile Home Construction and Safety Standard. Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the mobile home.

“Mobile Home Park”: A parcel not less than two (2) acres in area in single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this Code.

“Mobile Home Stand”: The part of a mobile home space beneath the mobile home that concludes the concrete slab or runners on which the home is placed.

“Modulars (Sectional Houses)”: Built and transported in sections or two halves. A modular dwelling must have a yellow metal seal, shaped like the State of Illinois, mounted on the interior electrical panel. This will distinguish a modular from a mobile home which has a 2-inch by 4-inch metal plate mounted on the tail light (rear) end of the mobile home.

Modular housing is
similar in many ways to conventionally constructed housing including construction on a permanent foundation (see definition for permanent foundation). Modular housing as herein defined shall be considered as single family dwellings.

“Motel”: A motel for motorists, usually with blocks of rooms opening directly onto a parking area. Also called motor court.

“Nonconforming”: As applied to a lot, structure, or use, "nonconforming" means:

(A) lawfully existing on the effective date of this Code, but
(B) not in compliance with the applicable provisions thereof.

“Nuisance”: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

“Nursery”: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

“Nursery School”: An establishment for the part-time care and/or instruction (at any time of day) of four (4) or more unrelated children of predominantly pre-elementary school age.

“Nursing Home”: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

“Office”: Any building, or portion thereof, in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

“Off-Street Parking Area”: Land that is improved and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area," depending on the circumstances of its use, may either a principal use or an accessory use.

"Off-Street Parking Space": An area at least twenty (20) feet long and ten (10) feet wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

“Patio”: An at-grade -paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.
“Permanent Foundation”: A permanent support for buildings that are constructed of conventional foundation materials such as concrete or cement blocks. The foundation footing shall extend below the frost line.

“Permitted Uses”: Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

“Person”: Any individual, firm, association, organization, or corporate body.

“Plan”: The geographical and topographical maps, engineering and architectural drawings and specifications, and other information indicating the location and nature of a development.

“Porch”: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.

“Premises”: A lot and all the structures and uses thereon.

“Principal Building/Structure/Use”: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

“Private Street”: Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.

“Reconstruct”: As applied to nonconforming structures, "reconstruct" means to rebuild after partial destruction.


“Refuse”: Garbage (food wastes) and trash, but not sewage or industrial wastes.

“Relocate”: To move to another portion of a lot or to a different lot.

“Repair”: To restore to sound condition, but not to reconstruct.

“Retail”: Refers to the sale of goods and services directly to the consumer rather than to another business.
“Right-of-Way, Public”: A strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

“Sanitary Landfill”: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency.

“Satellite Dish”: Any parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

“Setback”: The distance between the front lot line and the building line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

“Skirting”: The cover affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

“Special Use”: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit. A special use permit may not be transferable.

“Stable”: A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

“Storage Building”: A structure designed to keep or store goods and equipment. Said building is not designed for occupancy by families or individuals.

“Stoop”: A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

“Street”: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.
“Street Line”: The street right-of-way line abutting a lot line.

“Structure”: Anything constructed or erected on the ground, or attached to something having fixed location on the ground. All buildings are structures, but not all structures are buildings.

“Structure, Temporary”: Any structure that is not attached to a permanent foundation.

“Temporary Use Permit”: A permit issued in accordance with the provisions of this Code and valid for not more than one (1) year, which allows the erection/occupation of a temporary structure or the operation of a temporary enterprise.

“Topography”: The relief features or surface configuration of an area.

“Trailer”: See "Camping Trailer."

“Use”: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

“Utility Substation”: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

“Variance”: See "Lot Size/Bulk Variance."

“Wholesale”: Refers to the sale of goods or services by one business to another business.

“Yard”: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

“Yard, Front”: A yard which is bounded by the front lot line and the building line.

“Yard, Rear”: A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

“Yard, Side”: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.
“Yard Line”: A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

“Zoning Map”: The map(s) and any amendments thereto designating zoning districts. The zoning map is incorporated into this Code.
ARTICLE III

GENERAL ZONING REGULATIONS

40-3-1  ESTABLISHMENT OF DISTRICTS. In order to implement this Ordinance, and to achieve the objectives in Article I, the entire municipality is hereby divided into the following zoning districts:

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural District</td>
<td>A-1</td>
</tr>
<tr>
<td>Single Family Residential District</td>
<td>R-1</td>
</tr>
<tr>
<td>Multi-Family Residential District</td>
<td>R-2</td>
</tr>
<tr>
<td>Mobile Home Residential District</td>
<td>R-3</td>
</tr>
<tr>
<td>Commercial District</td>
<td>C-1</td>
</tr>
<tr>
<td>Commercial Store Front District</td>
<td>C-2</td>
</tr>
<tr>
<td>Industrial District</td>
<td>I-1</td>
</tr>
</tbody>
</table>

(Ord. No. 1762; 12-08-14)

40-3-2  ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed zoning districts are hereby established as shown on the zoning map of this municipality. The zoning map, including all notations and other information thereon, is hereby made a part of this Code by reference. Official copies of the zoning map shall be kept on file in the office of the Zoning Administrator or other appropriate official.

(A) Annual Publication. In accordance with State Law (Ill. Comp. Stats., Chap. 65, Section 5/11-13-19), the Administrator shall publish the City's zoning map not later than March 31st of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.

(B) Determining Territory of Districts With Precision. In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules:
(1) Where a district boundary as indicated on the Zoning Map approximately follows the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

(a) Center line of any street, alley or highway Such centerline.

(b) Lot line Such lot line.

(c) Railroad tracks Right-of-way line of such track

(2) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(3) All territory (including bodies of water) that lies within the zoning jurisdiction of this municipality, but which is not shown on the zoning map as being located within any district, shall comply with the zoning regulations of the most restrictive adjoining district.

40-3-3 GENERAL PROHIBITION. No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Code. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Code.

(A) AGRICULTURAL EXEMPTION. The provisions of this Code shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a tract of land ceases to be used primarily for agricultural purposes, all pertinent provisions of this Code shall apply to that portion.
40-3-4 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the City Council, following consultation with the Zoning Administrator finds that the unlisted use is similar to and compatible with the listed uses, they may amend this Code in accordance with Section 40-8-3 to allow such use. The Council's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

40-3-5 TEMPORARY USES. Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. Applications for temporary use permits shall be treated in the same way as applications for special use permits. A temporary use permit shall be valid for not more than one year. (See Section 40-8-2).

40-3-6 ONE BUILDING AND ALL YARDS ON ONE LOT. Except as specifically provided otherwise:
(A) Only one principal building or structure shall be permitted on any residential lot; and
(B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use.

40-3-7 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street.

40-3-8 FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

40-3-9 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise, in the Residential zoning district and in the Community Business district, where lots having fifty percent (50%) or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks
of those lots do not differ by more than ten (10) feet, the minimum required front setback on that block shall be the average of the existing front setback.

40-3-10 **INTRUSIONS INTO YARDS.** Except where principal buildings are commonly attached (for example, in the downtown business area), no part of a principal building on one lot shall be closer than ten (10) feet from any part of a principal building located on an abutting lot. However, so long as this overriding constraint is observed, certain intrusions into required yards are permitted as indicated below:

<table>
<thead>
<tr>
<th>FEATURES</th>
<th>MAXIMUM INTRUSIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Cornices, chimneys, planters or similar architectural features</td>
<td>Two (2) feet.</td>
</tr>
<tr>
<td>(B) Fire escapes</td>
<td>Four (4) feet.</td>
</tr>
<tr>
<td>(C) Patios</td>
<td>Six (6) feet.</td>
</tr>
<tr>
<td>(D) Porches and stoops, if enclosed, unroofed, and at no higher than two (2) steps above ground level</td>
<td>Six (6) feet.</td>
</tr>
<tr>
<td>(E) Balconies, decks, porches</td>
<td>Four (4) feet.</td>
</tr>
<tr>
<td>(F) Canopies, roof overhangs</td>
<td>Four (4) feet.</td>
</tr>
</tbody>
</table>

40-3-11 **EXCEPTIONS TO HEIGHT LIMITS.**

(A) **Necessary appurtenances.** Chimneys, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of this municipality.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by the street lines that are thirty (30) feet from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between two (2) and ten (10) feet above the level of the adjacent street. *(See Sketch at end of Code.)*

40-3-12 **ACCESSORY USES.** An "accessory use" means any structure or use which is:

(A) Subordinate in size or purpose to the principal structure or use which it serves;
(B) Necessary or contributing to the comfort and convenience of the occupants (whether individuals or a commercial enterprise) of the principal structure or use served; and
(C) Located on the same lot as the principal structure or use served.

If an accessory use is attached to the principal structure, it shall be considered part of that principal structure. Roof overhangs on accessory structures not attached to the principal structure shall not encroach more than two (2) feet into the required setback distance.

(D) **Specifically Prohibited Accessory Uses.** The following accessory uses are strictly prohibited unless expressly permitted in particular zoning district(s):

- Use of an accessory structure as a dwelling.

(E) **Limitations.** See Schedules (Art. 3, Secs. 14, 15) for limitations and Schedule listings located at the end of this Code.

40-3-13 **SEWERS, SEPTIC TANKS.** In all districts, property owners of all buildings and places where people live, work or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the municipal or public sanitary sewerage system is reasonably available, all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the municipal or public sewerage system is not reasonably available, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

1. Illinois Private Sewage Disposal Licensing Act, Illinois Compiled Statutes, Chapter 225, Section 225/1 through 225/23, as now or hereafter amended; and
2. Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as now or hereafter amended; and
pertinent, current regulation issued by the Illinois Environmental Protection Agency; and

applicable codes and ordinances of this City.

The Administrator shall not issue any temporary certificate of zoning compliance unless he is satisfied that these requirements will be met. (See Chapter 38 “Utilities”)

40-3-14 SCHEDULE: AREA AND BULK REGULATIONS; PARKING REQUIREMENTS. (See Schedule located at the end of this Code.)

(A) To facilitate public understanding of this Code and for the better administration and convenience of use thereof, the regulations limiting the dwelling unit density, the heights, bulk and arrangement of buildings, and requiring minimum off-street parking for each of the districts established by Section 40-3-1 hereof (or specified use), area set forth in Schedule 40-3-14 hereof. Such Schedule is hereby adopted and declared to be an integral part of this Code, and it may be amended in the same manner as any other part of this Code.

40-3-15 SCHEDULE: PERMITTED USES AND ACCESSORY USES; SPECIAL USES; PROHIBITED USES. (See Schedule located at the end of this Code.)

(A) To facilitate public understanding of this Code and for the better administration and convenience of use thereof, the regulations designating permitted uses, permitted accessory uses, special uses and specifically prohibited uses for each of the districts established by Section 40-3-1 hereof, are set forth in Schedule 40-3-15 as a part of Section 40-3-1 hereof. Such Schedule is intended and declared to be an integral part of this Code and it may be amended in the same manner as any other part of this Code.

(B) Each column refers to a specific district which lists the permitted uses, permitted accessory uses, special uses and specifically prohibited uses, and are read vertically under a district column.

(C) Limitations and requirements in Section 40-3-15 (Schedule) as used in a column shall mean and include the specific limitations and requirements as set forth in the same column for the district referred to. Where reference is made in the Schedule to another section or provision of this Code, such section or provision referred to shall thereby be incorporated as an integral part of the requirements including such reference. All provisions of this Code shall apply as integral parts of this Section although not specifically cited as a column.

(D) SCHEDULE: PERMITTED USES; PERMITTED ACCESSORY USES; SPECIAL USES; SPECIFICALLY PROHIBITED USES; USE LIMITATIONS. (See Schedule (Sec. 40-3-15) located at the end of this Code).
**40-3-16 C-1 DOWNTOWN COMMERCIAL DISTRICT.**

(A) **Purpose.** The purpose of the C-1 “Downtown Commercial District” is to provide a district which will allow for the preservation of the unique historic character of the City’s downtown commercial area, and will accommodate commercial development and growth within the confined spaces of the area. The uses allowed in the district shall be offices and service businesses in which there is contact with the public, and retail sales of merchandise to the general public. Such district will be located within the Main Street area between Hibbard and Madison Streets as designated C-1 on the current Zoning Map.

(B) **Lot Requirements and Setbacks.** The following minimum requirements shall be observed in the C-1 “Downtown Commercial District”, subject to additional requirements, exceptions and modifications set forth in the Zoning Code.

<table>
<thead>
<tr>
<th>Lot Area Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Lot area</td>
</tr>
<tr>
<td>(2) Lot width</td>
</tr>
<tr>
<td>(3) Lot depth</td>
</tr>
</tbody>
</table>

(C) **Principal Structure Setback Requirement.**

(1) **Front Yard.**
   (a) To other commercial district 0 feet
   (b) To any residence district Not less than 10 feet

(2) **Side Yard.**
   (a) To other commercial district 0 feet
   (b) To any residence district Not less than 10 feet

(3) **Rear Yard.**
   (a) To other commercial district 0 feet
   (b) To any residence district Not less than 10 feet

(D) **Lot Coverage.** The following lot coverage requirement shall be observed in the designated C-1 “Downtown Commercial District”.

   Maximum Lot Coverage by All Structures – 100%

*(Ord. No. 1762; 12-08-14)*

**40-3-17 C-2 COMMERCIAL STORE FRONT DISTRICT.**

(A) **Purpose.** The Commercial Store Front Zone C-2 is established to preserve and enhance the commercial “Main Street” character of downtown Staunton, ensuring that new development in areas designated C-2 are compatible with this desired character. This zone allows a full range of retail, service, business, and residential uses. Retail or restaurant uses are required as the predominant uses on the ground floors of buildings fronting on Main Street. Residential uses are allowed only on upper floors. Warehousing and industrial uses are not allowed. The desired character for this zone includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. Such district will be located within the Main Street area between Hibbard and Madison Streets as designated C-1 on the current Zoning Map.

(B) **Use Limitations.**

(1) Automobile/motor vehicle repair is permitted in the Commercial Zone when conducted within a completely enclosed building.

(2) Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use.

(3) Development in downtown zones is subject to the review process and standards of Staunton City Zoning Ordinances.

(C) Buildings not in compliance with provisions of the Zoning C-2 may continue to operate as they are currently being used until the Store Front property requires renovations to meet any code requirements and/or until the property exchanges hands in ownership or is transferred to another party.

*(Ord. No. 1762; 12-08-14)*

[Supplement No. 9; 01-01-15]
ARTICLE IV
SUPPLEMENTARY ZONING REGULATIONS

40-4-1 APPLICABILITY OF ARTICLE. This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit. But if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-4-2 CAMPING TRAILERS. The regulations of this Section do not apply to camping trailers or other similar recreational vehicles parked in a permitted camping trailer park. The requirements of paragraphs (A), (C), and (D) do not apply to camping trailers or other similar recreational vehicles parked on a permitted camping trailer sales lot.

(A) No camping trailer or other similar recreational vehicle shall be used as living quarters (other than in a camping trailer park).
(B) No camping trailer or other similar recreational vehicle shall be used as an office or for any other commercial purpose.
(C) No camping trailer or other similar recreational vehicle shall be parked on any front yard, except on a driveway. (See 210 ILCS Sec. 95/1 et seq.)

40-4-3 FENCES, WALLS.
(A) No barbed wire or electrically charged fence, and no sharp-pointed fence less than eight (8) feet high, shall be erected or maintained anywhere in this municipality.
(B) No fence, wall, or other obstruction shall be erected within any public right-of-way without the written approval of the Zoning Administrator.
(C) No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code (Illinois Compiled Statutes, Chapter 70, Sections 605/2-1 through 605/2-13).
(D) Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See Section 40-3-11(B).) No fence, wall or other obstructions in any required front yard area shall exceed four (4) feet in height or in any required rear or side yard exceed eight (8) feet in height.
40-4-4  **FILLING STATIONS.**
(A) All gasoline pumps and other service facilities shall be located at least twenty-five (25) feet from any street right-of-way line, side lot line, or rear lot line.
(B) Every access way (curb cut) shall be located at least two hundred (200) feet from any fire station, school, public library, church, park, or playground.
(C) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

40-4-5  **HOME OCCUPATIONS.** A "home occupation" means any business, profession, or occupation for gain or support entirely within a residential building or on residential premises. Within this municipality every home occupation shall be considered a special use. No home occupation shall be established except in conformity with the following regulations.
(A) **Unrelated Employees.** A home occupation shall employ no more than one individual who is unrelated to the family residing on the premises.
(B) **Floor Space.** The total area used for a home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less.
(C) **Dwelling Alterations.** In any residential district a principal residential building shall not be altered--to accommodate a home occupation--in such a way as to materially change the residential character of the building.
(D) **Outdoor Storage.** Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.
(E) **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the lot lines.
(F) **Signs.** A home occupation, being a special use, is subject to conditions established by the City Council. A sign may be displayed by the home occupation based upon the recommendations and at the discretion of the City Council. The sign shall be a maximum of three (3) square feet in size and shall not be illuminated or detract from the general character of the neighborhood. (See Sec. 40-5-3 for parking.) (Ord. No. 1117; 02-09-98)
40-4-6 **HOSPITALS, NURSING HOMES.**

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of *three hundred (300) feet*, and a minimum area of *three (3) acres*.

(B) The lot on which any nursing home is situated shall have a minimum width and depth of *two hundred (200) feet*, and a minimum area of *1.5 acres*.

40-4-7 **JUNK YARDS.**

(A) No part of any junk yard—which includes any lot on which any *three (3)* or more inoperable vehicles are stored—shall be located closer than *five hundred (500) feet* to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least *eight (8) feet* high and of sufficient density to block the view from adjacent property.

40-4-8 **SANITARY LANDFILLS.**

(A) All sanitary landfills shall conform to the rules and regulations adopted by the Illinois Pollution Control Council pursuant to Sections 5, 22, and 27 of the Environmental Protection Act and consistent with the policy and purposes expressed in Section 20 thereof. Such rules and regulations contained within "Solid Waste Rules and Regulations," State of Illinois, Environmental Protection Agency.

(B) After the effective date of this Code, no sanitary landfill shall be operated within this City without having first obtained a permit to operate from the Illinois Environmental Protection Agency.

40-4-9 **SCHOOLS.**

(A) The lot on which any school is situated shall have the minimum area indicated below:

<table>
<thead>
<tr>
<th>Type of School</th>
<th>Minimum Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nursery, Day Care Center</td>
<td>8,000 sq. ft.</td>
</tr>
</tbody>
</table>
(B) The principal building of any school shall be located at least **twenty-five (25) feet** from all lot lines.

40-4-10 **SWIMMING POOLS.** Every swimming pool, whether public or private, shall be enclosed by a wall or fence at least **four (4) feet** in height and must have a gate that shall be locked when the pool is not in use. An above-the-ground pool, **four (4) feet** or higher, need not have a fence with a gate, so long as the ladder is removed when not in use.

40-4-11 **UTILITY SUBSTATIONS.** Every electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

(A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.

(B) In any residential district, the structure housing any such facility shall be designed and constructed to be compatible with the residential character of the area.

(C) Every such facility shall be screened by close-planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **eight (8) feet** in height be installed behind the planting screen.

40-4-12 **MOBILE HOMES.** The following requirements are supplementary to the Illinois Mobile Home Parks laws as contained in the Illinois Compiled Statutes, Chapter 210, Sec. 115/1 et seq., and the Rules and Regulations adopted by the Illinois Department of Public Health pursuant thereto.
Mobile Homes - Individual.

(1) All mobile homes shall be located in the "R-3" Zoning District.

(2) Mobile homes shall be utilized only as a dwelling unit for owner or renter occupancy.

(3) No mobile home shall be brought into or placed anywhere on individual lots within the "R-1" or "R-2" Zoning Districts.

(4) (a) All mobile homes will be required to be skirted and anchored. Specifically, skirted with fire resistant material. Skirting shall be equipped with an inspection door at least twenty-four (24) inches wide to allow access to the underside of the home; and

(b) Anchors capable of withstanding a vertical tension force of four thousand eight hundred (4,800) pounds shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. The anchors shall be firmly attached to straps which extend over the mobile home at each end. The straps shall consist of material capable of stabilizing the dwelling during high winds. Straps shall be firmly attached to the mobile home. Every mobile home shall be securely tied down to anchors.

(5) All mobile homes shall be connected to all available public utilities in accordance with all requirements for any residential structures in the City, shall be appropriately skirted, and shall conform to all requirements that are applicable to conventionally constructed dwelling units in the "R" District.

(6) Existing mobile homes may be replaced provided:

(a) It is replaced within six (6) months of removal of the existing mobile home.

(b) One mobile home per lot shall be permitted.

(c) Permanent foundations with hitch and wheels removed shall be required.

(Ord. No. 1352; 08-28-06)
(B) Mobile Home Parks and Courts.

(1) After the effective date of this Code, no mobile home park and/or court shall be operated within this City without having first obtained a permit to operate from the Illinois Department of Public Health. **(Effective Date: June 1, 1993)**

(2) Mobile home parks and/or courts shall be permitted by a special use permit only and shall meet the following requirements:

(a) Shall be located on a tract of land not less than two (2) acres.

(b) Shall contain at least three (3) mobile homes.

(c) **Minimum Lot Size and Setback Requirements.** Individual mobile home spaces shall be considered as lots and shall meet the following requirements:

(i) **Minimum lot size:** Six thousand (6,000) sq. ft.

(ii) **Minimum lot depth:** One hundred (100) ft.

(iii) **Minimum lot width:** Fifty (50) feet.

(iv) **Minimum setback requirements:**

- from front lot line: Twenty (20) feet.
- from rear lot line: Twenty (20) feet.
- from side lot line: Five (5) feet.

(v) **Minimum distance to a building on an adjacent lot:** Ten (10) feet.

(d) Shall be skirted and anchored as per Section 40-4-12(A)(4).

(e) Two (2) off-street parking spaces shall be provided per mobile home.

(f) No access way may dead-end except as a cul-de-sac with appropriate turn-around space for emergency vehicles.

(Ord. No. 1352; 08-28-06)

40-4-13 **PUBLIC BUILDINGS.** In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(A) In any residential or conservation district, all municipal or other publicly-owned buildings shall be located at least **twenty-five (25) feet** from all property lines.

[Supplement No. 9; 01-01-15]
(B) In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least six (6) feet in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least twenty-five (25) feet from any front or side property line.

40-4-14 KENNELS.
(A) The lot on which any kennel is situated shall have a minimum area of three (3) acres.
(B) Every kennel shall be located at least two hundred (200) feet from the nearest dwelling, and at least one hundred (100) feet from any lot line.

40-4-15 AGRICULTURAL ACTIVITIES.
(A) Farm Animals. No barn, stable, shed, or other structure intended to shelter farm animals (including, but not limited to, horses, cattle, hogs, and chickens) shall be erected closer than three hundred (300) feet to any existing dwelling or closer than two hundred (200) feet to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than three hundred (300) feet to any existing dwelling or closer than two hundred (200) feet to any lot line or residential property, whichever distance is greater.

40-4-16 LIGHTING CONTROLS. Any light used for the illumination of signs, swimming pools, or for any other purpose shall be arranged so as to confine the direct light rays away from neighboring residential properties and away from the vision of passing motorist.
ARTICLE V

SUPPLEMENTARY OFF-STREET PARKING
AND LOADING REGULATIONS

40-5-1 **APPLICABILITY OF ARTICLE.** Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

40-5-2 **EXISTING PARKING/LOADING FACILITIES.**
(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.
(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, additional off-street parking and loading facilities need not be provided, but parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored.
(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, seating capacity, etc., additional parking and loading facilities commensurate with such increase in use-intensity shall be provided.
(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.

40-5-3 **PARKING DESIGN AND MAINTENANCE STANDARDS.**
(A) **SPACES.**
(1) Each required parking space shall be at least ten (10) feet wide and twenty (20) feet long, and shall have at least seven (7) feet of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.
(2) For multi-family, business and industrial uses, markings shall be laid and restored as often as necessary to clearly delineate each parking space.
(B) **INTERIOR AISLES.** Aisles within parking lots in Business and Industrial Districts shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least *twenty-two (22) feet* wide. One-way aisles designed for *sixty degree (60°)* parking shall be at least *eighteen (18) feet* wide.

(C) **ACCESS WAY.**

(1) Parking areas in the Business and Industrial Districts shall be designed so that ingress to and egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.

(2) No access way to any parking area shall be located within *thirty (30) feet* of any corner formed by the intersection of the rights-of-way of two or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.

(3) The access way to every parking lot located in any business and industrial zoning district shall be at least *twenty-four (24) feet* wide unless two one-way drives, each *twelve (12) feet* wide, are provided.

(4) The access way to every parking area located in any residential zoning district shall be at least *ten (10) feet* wide; but if the parking area contains more than *eight (8) parking spaces* or if the access way is longer than *one hundred (100) feet*, access shall be provided either by one 2-way drive at least *twenty (20) feet* wide or by two 1-way drives, each at least *ten (10) feet* wide.

(D) **LIGHTING.** Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable.

40-5-4 **LOCATION OF PARKING.** All off-street parking shall be located in conformity with the following requirements:

(A) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.
(B) All parking spaces accessory to permitted non-dwelling uses located in the residential zoning district generally shall be located on the same lot as the use served. However, by special use permit, such parking facilities may be located on another parcel within two hundred (200) feet of the use served. No commercial vehicle exceeding one ton cargo capacity shall be parked anywhere in a residential district (except for normal loading, unloading, and service call), unless a special use permit has been obtained. No vehicle repair work shall be permitted on any parking lot located in any residential district.

40-5-5 LOCATION OF PARKING: BUSINESS AND INDUSTRIAL DISTRICTS.

(A) Parking spaces accessory to any dwelling located in any business district shall be located within two hundred (200) feet of the dwelling. Parking spaces accessory to any other conforming use located in any business or industrial district shall be located within five hundred (500) feet of the use served. 

(B) No parking space accessory to any use located in business or industrial district shall be located in any residential district except by special use permit; and in no case shall any such parking areas extend more than five hundred (500) feet into a residential district.

(C) In any business or industrial district, off-street parking facilities for different buildings or uses may be provided collectively if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the use served are observed.

40-5-6 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards as indicated:

(A) SIZE OF SPACE. Every required off-street loading space shall be at least twelve (12) feet wide and forty-five (45) feet long exclusive of aisle and maneuver space, and shall have vertical clearance of at least fourteen (14) feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) ACCESS WAY. Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least twelve (12) feet wide.
(C) **LOCATION.** Every off-street loading space, whether required or not, shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of two or more streets, and not on required front yards.
ARTICLE VI
NONCONFORMITIES

40-6-1   PURPOSE OF ARTICLE. The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various residential, business, and industrial districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the over-taxing of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

40-6-2   NONCONFORMING LOTS. Any vacant lot that does not conform to one or more of the lot size requirements of the district in which it is located may be used in the manner indicated at Sections 40-6-3 and 40-6-4 if it:
(A)  Is of record on the date of the adoption or amendment of this Code; and
(B)  Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
(C)  Is at least thirty (30) feet wide.

40-6-3   SAME: RESIDENTIAL. On any such lot located in any district, any permitted structures may be erected, provided all the bulk (see definitions) and setback regulations of the particular district are observed.

40-6-4   SAME: OTHER DISTRICTS. On any such lot located in the business or industrial districts, any structure permitted in the particular district may be erected if the bulk and setback requirements of that district are met.

40-6-5   TWO OR MORE LOTS IN COMMON OWNERSHIP. If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the date of the enactment or amendment of this Code, and if one or more of those lots do not meet the minimum lot width, depth, and area requirements of the district in which they are located, the land involved shall be considered an undivided parcel for purposes of this Code. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.
40-6-6 NONCONFORMING STRUCTURES. Any lawful structure which exists on the date of the enactment or amendment of this Code, but which could not be erected under the terms of this Code because of restrictions on lot size, height, setbacks, lot coverage, or other characteristics of the structure, or its location on the lot, may lawfully remain, subject to the following provisions:

(A) **Enlargement, Alterations.** No such structure shall be enlarged or altered in any way which increases its nonconformity.

(B) **Relocation.** No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C) **Reconstruction.** No such structure which is destroyed or damaged by any means shall be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds fifty percent (50%) of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Zoning Administrator determines the estimated cost of reconstruction is less than fifty percent (50%) of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within six (6) months from the date the damage occurred and is diligently prosecuted to completion.

A bona fide construction contractor shall make the reconstruction cost estimate, and a licensed real estate appraiser shall determine the structure's market value at the time of loss. The owner of the damaged structure shall be responsible for transmitting these estimates to the Zoning Administrator. **(Effective June 1, 1993)**

40-6-7 NONCONFORMING USES: OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the date of the enactment or amendment of this Code, but would not be allowed under the terms of this Code, such a use may lawfully continue, subject to the following provisions:
(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C) **Extension of Use.** No nonconforming use may be extended to any part(s) of the structure not intended or designed to be devoted to such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) **Change of Use.** A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.

(E) **Discontinuance of Use.** When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for *twelve (12)* consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

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**40-6-8 NONCONFORMING USE OF LAND.** For information specific to mobile homes refer to Section 40-4-12(A).

Any lawful use of land existing on the date of the adoption or amendment (June 1, 1993) of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the date of the adoption or amendment of this Code.

(B) **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless, upon relocation, such use will conform to all pertinent regulations of the district in which it will be located.

(C) **Change of Use.** A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.

(D) **Discontinuance.** When a nonconforming use of land is discontinued for a period of *twelve (12) consecutive months*, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.
40-6-9 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of structure or of land for which a permit was issued prior to the enactment of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is carried out and completed with diligence.
ARTICLE VII
ADMINISTRATION AND ENFORCEMENT

40-7-1 ZONING ADMINISTRATOR. The office of Zoning Administrator of this municipality is hereby established. The Zoning Administrator shall be the executive head of this office.

40-7-2 ADMINISTRATOR’S DUTIES. The Zoning Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To review applications pertaining to land, structures and the uses of land and/or structures;
(B) To issue or deny temporary and permanent certificates of zoning compliance;
(C) To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Code, and where there are violations, to initiate appropriate action to secure compliance;
(D) To receive, file, and forward to the Zoning Hearing Officer all applications for variances and appeals;
(E) To receive and file all applications for amendments and special use permits;
(F) To maintain up-to-date records of this Code including, but not limited to, district maps, certificates of zoning compliance, special use permits, variances, interpretative decisions of the Hearing Officer, amendments, and all applications related to any of these matters;
(G) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Board at least once each year;
(H) To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary; and
(I) To provide information to the general public on topics related to this Code.

[See Section 1-2-122 for Zoning Hearing Officer]
40-7-3 TEMPORARY CERTIFICATES OF ZONING COMPLIANCE.
After the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until a temporary certificate of zoning compliance has been issued. The Administrator shall issue no temporary certificate of zoning compliance unless he determines that, when the (proposed) work is completed, the use and/or structure will conform to the applicable provisions of this Code.

(A) INFORMATION REQUIRED. Every applicant for a temporary certificate of zoning compliance shall submit to the Administrator, a narrative or graphic form, any or all of the following items of information as required by the Administrator:

(NOTE: As used below, the term "proposed" refers to "altered," "enlarged," or "extended" as well as "completely new.")

1. Name and address of the applicant;
2. Name and address of the owner or operator of the proposed structure or use, if different from (1);
3. Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
4. Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;
5. Area and dimensions of the site for the proposed structure or use;
6. Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
7. Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
8. Height, setbacks, and lot coverage of the proposed structures;
9. Number and size of proposed dwelling units, if any;
10. Location and number of proposed parking/loading spaces and access ways;
11. Identification and location of all existing and proposed utilities whether public or private; and/or
12. Location and square footage of existing and proposed signs by type and class.

(B) FILING FEE, DURATION OF CERTIFICATE. Every applicant for a temporary certificate of zoning compliance shall pay a filing fee as determined by the City Council. Temporary certificates of zoning compliance shall be valid for one year. The Administrator may renew such temporary certificates for successive one-year periods upon request in writing.
40-7-4 **PERMANENT CERTIFICATES OF ZONING COMPLIANCE.** No lot or structure or part thereof that has been created, developed, erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used or occupied until a permanent certificate of zoning compliance has been issued. The Administrator shall issue no permanent certificate of zoning compliance unless he determines, by inspection, that:

(A) The development or construction of such lot or structure has been completed in accordance with plans approved at the time the temporary certificate of zoning compliance was issued; and

(B) The lot or structure as completed, and the proposed use thereof, conforms to all applicable provisions of this Code.

Permanent certificates of zoning compliance shall be issued free of charge. Failure to obtain a permanent certificate of zoning compliance shall constitute a separate violation of this Code.

40-7-5 **PROCEDURES UPON VIOLATION.** Whenever the Zoning Administrator determines, by inspection or by other means, that reasonable grounds exist for believing that any lot, structure, or use is in violation of this Code, he shall so notify the responsible party in writing, and shall institute appropriate measures to secure compliance.

(A) **CORRECTIVE ACTION ORDER.** To secure compliance with this Code, the Administrator may issue a corrective action order. Such order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is served upon such party personally, sent by registered mail to his last known address, or posted in a conspicuous place on or about the affected premises. Corrective action orders shall include:

1. A description of the premises sufficient for identification;
2. A statement of what constitutes the violation;
3. An outline of the remedial action necessary to effect compliance;
4. The date by which the violation must be corrected;
5. The date by which any appeal of the correction order must be filed, and a statement of the procedure for so filing;
6. A statement that failure to abide by a corrective action order constitutes a separate violation of this Code; and
7. A statement of the penalties attached to any violation of this Code.

(B) **STOP-WORK ORDER.** Whenever any land, structure, or use is being developed, erected, or established contrary to plans approved at the time the temporary certificate of zoning compliance was issued, the Administrator may order that such work be stopped immediately. The Administrator's stop-work order may be served on any person engaged in or responsible for such work, or may be posted in a conspicuous place on or about the affected premises.
premises. Failure to abide by a stop-work order shall be deemed a separate violation of this Code.

40-7-6  **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. The Administrator shall take no such action until he has consulted with the City Attorney.

40-7-7  **COMPLAINTS.** Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, immediately investigate, and, if necessary, institute appropriate corrective measures.

40-7-8  **PENALTIES FOR VIOLATION.**

(A) Failure to comply with any provision of this Code shall constitute a misdemeanor, and each day that such violation continues shall be considered a separate offense.

(B) Any person who is convicted of a violation of this Code shall be fined not more than **One Hundred Dollars ($100.00)** each day the violation exists, and/or **six (6) months** confinement. Daily fine assessment shall begin on the first day the violator is notified of the violation and may be waived if compliance is met within **thirty (30) days** of notification.

(C) Nothing contained in this Section shall prevent this Municipality from taking any other lawful action that may be necessary to secure compliance with this Code. All legal fees incurred by the City in the legal enforcement of the Code shall be reimbursed to the City by the violator. *(Ord. No. 1120; 04-13-98)*
ARTICLE VIII
SPECIAL USES AND AMENDMENTS
DIVISION I - SPECIAL USE PERMITS

40-8-1 SPECIAL USE PERMITS. This Code divides this municipality into various districts, and permits in each district only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted use, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may only be allowed after a proper hearing before the Zoning Hearing Officer, and upon approval by the City Council. (Ord. No. 1483; 04-27-09)

40-8-2 APPLICANT. Every applicant for a special use permit shall submit to the Zoning Administrator, in narrative or graphic form, any or all of the items of information enumerated in Section 40-7-3(A) that he may require. When the application is complete, the Administrator shall forward to, together with his recommendation, to the Hearing Officer for further consideration.

40-8-3 HEARING.
(A) The Hearing Officer shall hold a public hearing on any application for a special use permit not later than sixty (60) days after its filing. At the hearing, any interested party may appear and testify, either in person, or by legal counsel. The Hearing Officer shall hear the application (or any modified application) in accordance with its usual procedure. At the conclusion of the hearing, the Hearing Officer issue an advisory report to the City Council, containing findings of fact as specified in Section 40-8-7 herein, which shall recommend either granting the application, with or without modification, or denying the application. The Hearing Officer may also refer the application back to the applicant for proposed modification. If the application is subsequently granted by the City Council, a copy of the final plan shall be maintained on file with the City clearly noting all conditions of approval and the date approved for issuance of a permit. If the application is denied by the City Council, the applicant shall not again apply for a permit for substantially the same proposal unless there has occurred a substantial change in circumstances the basis of which shall be specifically noted on the supplemental application, and in such case, only with the Hearing Officer's consent first obtained, otherwise not earlier than one (1) year after the date of the denial by the City Council. If the application is referred back for modification, the applicant may resubmit the application in accordance with the directions of the Hearing Officer, if any, otherwise in time for the next regularly scheduled meeting of the Hearing Officer.

(B) The Hearing Officer may revoke a permit issued under this Article if:
(1) the proposal for which a permit has been issued is not carried out pursuant to the approved final site plan; or
(2) if any condition or requirement included in the permit is not complied with. The Hearing Officer may, however, allow
modifications of the final plan, before completion, in conformity with the applicable provisions for review as provided for in this Article.

(C) A permit issued under this Article shall expire if the proposal authorized by the permit is not completed within the development schedule therefore included in the application, or conditions imposed on same by the Hearing Officer or City Council.

(D) After the final plan has been completed, it shall be a permanent site plan and shall not be modified, nor shall any additions be made thereto, except with the applicable provisions of this Article.  (Ord. No. 1483; 04-27-09)

40-8-4 NOTICE. Notice of the public hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

(A) By registered mail to the applicant and to every owner of property adjacent to the premises for which the special use permit is requested; and

(B) By publication in a newspaper of general circulation within this municipality. This notice shall indicate the time, date, and place of the hearing, the particular location for which the special use permit is requested, and the nature of the proposed special use.

40-8-5 FACTORS CONSIDERED. In making his/her advisory recommendation to the City Council, the Hearing Officer shall consider and make findings of fact, where appropriate, on the following factors:

(A) Whether the proposed design, location and manner of operation of the proposed special use is protective of the public health, safety, and welfare; and

(B) The effect the proposal would have on the value of neighboring property; and

(C) The effect the proposal would have on this municipality’s overall tax base; and

(D) The effect the proposal would have on public utilities and on traffic circulation on nearby streets; and

(E) Whether there are any facilities nearby that require special protection; and

(F) Whether the proposed application is in keeping with the general purposes of this Code; and

(G) Whether the proposed application is consistent with the characteristics of the general nature of the area in which the special use is to be located.

(Ord. No. 1483; 04-27-09)

40-8-6 TEMPORARY USE PERMITS. As set forth at Article III, Section 40-3-5, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Zoning Hearing Officer shall not recommend issuance of a temporary use permit for a period of longer than one (1) year.  (Ord. No. 1483; 04-27-09)

40-8-7 ADVISORY REPORT/FINDINGS OF FACT. Not later than ten (10) days after the public hearing, the Hearing Officer shall submit his/her advisory report/findings of fact to the City Council, taking into account the factors set forth in Article III, Section 40-8-5.

40-8-8 DECISION BY CITY COUNCIL. The City Council shall act on every proposed special use permit at its next regularly scheduled meeting following submission of the Hearing Officer's submission of his/her advisory report. The City Council, without further public hearing, may by simple majority vote, approve or reject any approved special use permit, or may refer it back to the Hearing Officer for further consideration.  (Ord. No. 1483; 04-27-09)
DIVISION II - AMENDMENTS

40-8-9  **PROCEDURE.** In accordance with Illinois law (Ill. Comp. Stats., Chap. 65, Sec. 5/11-13-14) and the provisions of this Article, the City Council may amend the regulations imposed and the districts established in this Code. Any proposed alteration of district boundaries or proposed change in the status of any use—whether permitted, special, or prohibited—shall be treated as a proposed amendment, and dealt with accordingly. Amendments may be proposed by the City Council, the Zoning Administrator, the Hearing Officer, or any party of interest.

40-8-10  **FILING.** Any proposal to amend this Code shall be filed on a prescribed form with the Administrator, who shall forward it, together with his recommendation, to the Hearing Officer.

40-8-11  **HEARING.** The Hearing Officer shall hold a public hearing on every amendment proposal not later than **sixty (60) days** after its filing. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney.

40-8-12  **NOTICE.** Notice of the public hearing shall be given not more than **thirty (30) nor less than fifteen (15) days** before the hearing:

(A) By registered mail to the applicant and to every owner of property adjacent to the premises for which the special use permit is requested; and

(B) By publication in a newspaper of general circulation within this municipality.

This notice shall indicate the time, date, and place of the hearing, the particular location for which the special use permit is requested, and the nature of the proposed special use. *(See 65 ILCS Sec. 5/11-13-14)*

40-8-13  **ADVISORY REPORT/FINDINGS OF FACT.** Not later than **ten (10) days** after the public hearing, the Hearing Officer shall submit his/her advisory report/findings of fact to the City Council. The Hearing Officer shall not recommend the adoption of any amendment unless they find that such amendment is in the public interest and not merely for the benefit of the party proposing it. Where the effect of a proposed amendment is to alter district boundaries or to change the status (permitted, special, or prohibited) of any use, the Hearing Officer shall make findings regarding all of the following matters:
(A) Existing uses of property in the vicinity of the property in question;
(B) The district classification of property in the vicinity of the property in question;
(C) The suitability of the property in question for uses already permitted under the existing district classification;
(D) The trend of development in the vicinity of property in question, including changes (if any) which may have taken place since that property was placed in its present district classification.

40-8-14 DECISION BY CITY COUNCIL. The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Hearing Officer’s advisory report. Except as provided at Section 40-8-15, the City Council, without further public hearing, may by simple majority vote, pass any proposed amendment or may refer it back to the Hearing Officer for further consideration.

40-8-15 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED. The favorable vote of at least two-thirds (2/3) of the Aldermen then holding office is required to pass an amendment to the Code when the amendment is opposed, in writing and filed with the City Clerk, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered. (Ord. No. 1483; 04-27-09)

40-8-16 NOTICE TO APPLICANT OF WRITTEN PROTEST. In cases of written opposition to an amendment of this Code as prescribed in Section 40-8-15(c), a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. (See 65 ILCS Sec. 5/11-13-14)
ARTICLE IX - ADMINISTRATION

DIVISION I – RESERVED

40-9-1 - 40-9-9 RESERVED.
DIVISION II - APPEALS

40-9-10 NATURE OF APPEALS. Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Hearing Officer on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Section. (See 65 ILCS Sec. 5/11-13-12)

40-9-11 FILING, RECORD TRANSMITTAL. Every appeal shall be made within forty-five (45) days of the matter complained of by filing with the Administrator and the Hearing Officer a written notice specifying the grounds for appeal. Not more than five (5) working days after the notice of appeal has been filed, the Administrator shall transmit to the Hearing Officer all records pertinent to the case.

40-9-12 STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Hearing Officer, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Hearing Officer or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

40-9-13 HEARING. The Hearing Officer shall hold a hearing on every appeal not later than sixty (60) days after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney.

40-9-14 NOTICE. Notice of the hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:
   (A) By registered mail to the petitioner and to every owner of property adjacent to the premises to which the appeal is requested; and
   (B) By publication in a newspaper of general circulation within this municipality.

   This notice shall indicate the time, date, and place of the hearing, the particular location for which the appeal is requested and briefly describe the issue to be decided.
**40-9-15 DECISION BY HEARING OFFICER.** The Hearing Officer shall be required to decide all appeals within **thirty (30) days** after the final hearing thereon. A certified copy of the Hearing Officer's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant whenever a Certificate is authorized by the Hearing Officer. *(See 65 ILCS Sec. 5/11-13-2)*

**40-9-16 RESERVED.**
DIVISION III - LOT SIZE/BULK VARIANCES

40-9-17 DESCRIPTION. A "lot size/bulk variance" means a relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure.

40-9-18 APPLICATION. Every application for a lot size/bulk variance shall be filed with the Administrator on a prescribed form. The application shall contain sufficient information to allow the Hearing Officer to make an informed decision. (See 70 ILCS Sec. 40-5/22.02A)

40-9-19 HEARING.
(A) The Hearing Officer shall hold a public hearing on any application for a variance not later than sixty (60) days after its filing. At the hearing, any interested party may appear and testify, either in person, or by legal counsel. The Hearing Officer shall hear the application (or any modified application) in accordance with its usual procedures. At the conclusion of the hearing, the Hearing Officer issues an advisory report to the City Council, containing findings of fact as specified in Section 40-9-21 herein, which shall recommend either granting the application, with or without modification, or denying the application. The Hearing Officer may also refer the application back to the applicant for proposed modification. If the application is subsequently granted by the City Council, a copy of the final plan shall be maintained on file with the City clearly noting all conditions of approval and the date approved for issuance of a variance. If the application is denied by the City Council, the applicant shall not again apply for a variance for substantially the same proposal unless there has occurred a substantial change in circumstances the basis of which shall be specifically noted on the supplemental application, and in such case, only with the Hearing Officer’s consent first obtained, otherwise not earlier than one (1) year after the date of the denial by the City Council. If the application is referred back for modification, the applicant may resubmit the application in accordance with the directions of the Hearing Officer, if any, otherwise in time for the next regularly scheduled meeting of the Hearing Officer.
(B) The Hearing Officer may revoke a variance issued under this Article if:
   (1) the proposal for which a variance has been issued is not carried out pursuant to the approved final site plan; or
   (2) if any condition or requirement included in the variance is not complied with. The Hearing Officer may, however, allow modifications of the final plan, before completion, in conformity with the applicable provisions for review as provided for in this Article.
(C) A variance issued under this Article shall expire if the proposal authorized by the variance is not completed within the development schedule therefore included in the application, or conditions imposed on same by the Hearing Officer or City Council.
(D) After the final plan has been completed, it shall be a permanent site plan and shall not be modified, nor shall any additions be made thereto, except with the applicable provisions of this Article. (Ord. No. 1483; 04-27-09)

40-9-20 NOTICE. Notice of the public hearing shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:
(A) By registered mail to the applicant and to every owner of property adjacent to the premises for which the variance is requested; and
(B) By publication in a newspaper of general circulation within this municipality.
This notice shall indicate the time, date, and place of the hearing, the particular location for which the variance is requested, and the nature of the proposed variance. (See 65 ILCS Sec. 5/11-13-6)

40-9-21 STANDARDS FOR VARIANCES. The Hearing Officer shall not recommend to the City Council approval of any lot size/bulk variance unless it finds that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties or hardship to the applicant. More specifically, the Hearing Officer shall not recommend approval of any variance to the City Council unless it determines, based upon the evidence presented to it, that:
(A) The property in question cannot yield a reasonable return if the district regulations are strictly applied; and
(B) The plight of the applicant is due to peculiar circumstances not of his own making; and
(C) The variance, if granted, will not be detrimental to the public health, safety, and welfare.
(Ord. No. 1483; 04-27-09)

40-9-22 DECISION BY HEARING OFFICER. Not later than ten (10) days after the public hearing, the Hearing Officer shall submit its advisory report/findings of fact to the City Council, taking into account the factors set forth in Article III, Section 40-9-21. The City Council shall act on every proposed variance at its next regularly scheduled meeting following submission of the Hearing Officer’s submission of its advisory report. The City Council, without further public hearing, may by simple majority vote, approve or reject any proposed variance, or may refer it back to the Hearing Officer for further consideration. A certified copy of the City Council’s decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him and he shall be required to incorporate the terms and conditions of the same in the Zoning Certificate to the applicant or appellant. (Ord. No. 1483; 04-27-09)

40-9-23 UNAUTHORIZED VARIANCES (USE VARIANCE). Under no circumstances shall the Hearing Officer grant a variance to allow any use that is specifically or by implication (see Section 40-3-4) prohibited in the district involved. A "use variance" constitutes an amendment to this Code, and may be obtained only in the manner set forth in Section 40-8-9 et seq.

40-9-24 FILING FEES. By resolution, the City Council shall establish (and may periodically amend) a schedule of filing fees for the various permits and procedures listed in this Code. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the City and are non-refundable. A current schedule of filing fees shall be maintained in the Administrator’s office and file with the City Clerk.
### CITY OF STAUNTON, ILLINOIS
### SCHEDULE 40-3-14: AREA AND BULK REGULATIONS; PARKING REQUIREMENTS

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<th>Minimum Yard Dimensions</th>
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<tr>
<td></td>
<td>Maximum Number of Dwelling Units</td>
<td>Area in Square Feet or Acres</td>
</tr>
<tr>
<td>&quot;A-1&quot; Agricultural</td>
<td>1 per lot</td>
<td>5 acres</td>
</tr>
<tr>
<td>&quot;R-1&quot; Single-Family Residential</td>
<td>1 per lot</td>
<td>8,000 sq ft</td>
</tr>
<tr>
<td>&quot;R-2&quot; Multi-Family Residential</td>
<td>1 per lot</td>
<td>8,000 sq ft or 3,000 sq ft per unit whichever is greater</td>
</tr>
<tr>
<td>&quot;R-3&quot; Mobile Home Residential</td>
<td>1 per lot</td>
<td>6,000 sq ft</td>
</tr>
<tr>
<td>&quot;C-1&quot; Commercial See Special C-1 District Regulations Page 3</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>&quot;I-1&quot; Industrial</td>
<td>None</td>
<td>5 acres</td>
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